CHAIRMAN KANEH:

We will go right to our next panel in an effort to try to make up time here.

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

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

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

(Three witnesses sworn.)

CHAIRMAN KANEH:

Mr. Dretke.

MR. DRETKE:

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

I think it's important to --
to know, as I briefly go over the --
the testimony that I submitted, that
much of my career, 26 years with the
Texas Department of Criminal Justice,
occurred as I began in the system. The
prison system in Texas was undergoing
federal court supervision with Ruiz
versus Estelle. So the majority of my
career, as I promoted through the ranks
serving as a warden in several
facilities and eventually as a director
of the correctional institution
division prior to my retirement back in
2006, was spent under active federal
court monitoring. And then in the --
the lateral part of my career, we came
out from under that active monitoring.
During my tenure with the system as
director of the correctional
institutions division, I had a
oversight responsibility for 94 state
facilities.
I wanted to begin very
quickly by -- by, as we look in
internal institutional accountability,
referencing John Dulileo's
effort -- excellent text governing
prisons. Where he goes on to say,
Dulileo rights, that prison managers
must affect governments strong enough
to control the community of persons.
At the same time, however, prison
manager's must be subject to a vigorous
system of internal and external
controls on their behavior, including
rigorous internal supervision and
inspections ongoing intradepartmental
evaluation.

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

And as I speak of internal
oversight systems, I do not speak of
them in opposition to external
mechanisms as -- as Professor Deitch talked about. I speak about them in conjunction with. And one of the things we as prison managers inside should and ought to have in place for cells. The processes I talk about, and even the names that I call them, are -- come out of our Texas system in some of the names that we use. But the names and titles are less important than the actual policy and processes that they include.

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

I want to highlight the process or the expectation of mandatory reporting. As we came out, or as we
dealt with -- with active court supervision -- and I want to reference Commissioner Puryear's comment about this futile system and so forth. One of the things that I think over time to be very effective in Texas was mandatory reporting requirements. What happened on your unit was expected to be reported up to a central office. The office you hear me call the emergency action center, just the name of a central reporting place. Texas over its -- over its years, developed a very strong policy that mandated the type of incidents that had to be reported into a central office. Very interestingly too -- and well, the policy goes on to say very specifically list the incidents that must be reported within what time frame and details actual reporting processes, to include written reports along with followed requirements. And what that does is -- it gives a -- this office is responsible for gathering data,
disseminating information to agency leadership on a daily, monthly, and -- and annual basis.

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

And in 1999, our policy changed its language. And they -- and this certainly was not -- I'm not sitting here as a proactive prison response. It was as a result of our final chapters with Ruiz and some of our final hearings where sexual assaults was -- was recognized and -- and testimony was provided around. In 1999 our policy changed its language to alleged sexual assaults from -- from alleged rapes and began to include
monthly data on reporting -- on
reporting numbers. By 2000, our policy
included and expanded the definition of
sexual assaults and required written
administrative reviews and follow-ups on
every single alleged sexual assault.

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

Grievance system -- and very
quickly we talk about formal offender
grievance system, a critical component
in any institutional accountability
process providing a voice and avenue in
a formal process for offenders to talk
to prison managers. Two components I
want to highlight. And one is -- is in
Texas we use a process called a dual
supervision. Grievance investigators
at the local level, at a regional
level, and at the state level -- or at
the add -- the executive level, do not
report directly and only to the prison division director. They are also supervised by a separate division that, technically, supervise which includes quality of investigations, appropriateness of the actions recommended by a separate division that reports equally and separately to the executive director of the prison system.

The other piece of the grievance is putting the staffing components to support a strong grievance system. And in large systems we're -- we're spread out across a very large geographical is the implementation, utilization of regional managers that are extensions of executive leadership to provide the necessary appropriate, close support to unit investigators, unit officials and so forth. The other thing is specific consensual assault is that grievance systems recognize sexual assaults themselves.
Our language in our -- in our grievance policy includes specific direction for alleged sexual assaults as emergency grievances, and then directs investigators to move into the appropriate actions and protocols as laid out in the safe prison program.

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

A lot of oversight mechanisms literally take staffing resources to put in place. Texas, and
I know you've heard testimony on this, developed early comprehensive safe prison program to address sexual assaults. When we first developed safe prison program, we developed the policy and procedures, we disseminated it across our system to region directors, to wardens. But I believe not until we -- we developed a specific office staff and then dedicated staff and develop specific positions, save for some program, unit coordinators, did many of the components of the safe prison practice program actually fully get implemented. Because then you have people on-site, on units, overseeing many components of the program, the actions that are required by policy, follow-ups, and so forth. The other side of that, the safe prison program was a place that they can begin to gather all of the data specific to sexual assaults and use that data to help drive our training, our policy, our procedure,
and our actions. In the end, you have all of these different policy and procedure mechanisms. What does a system do to determine if they're, in fact, working?

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

And -- so not to -- also part of the systems that you heard a lot of testimony on inspector generals that are a part of large criminal
justice systems. John Moriarty (phonetic) and Michele referenced part of those things report separate from the prison director but to actually the board. Why the different mechanisms?

And so just -- and pulling this all together from an internal perspective, I want to quote Brad Livingston, the current executive director, likened the internal oversight pieces to a three-legged stool. All three legs is critical to its stability. One is our operation review process that continually looks at our internal policy and procedures. The second is a security audit that we do every two years in all of our facilities to look at the safety, the direct safety and security issues. And then the third process that we use along with many systems around the nation is the American Corrections Association Accreditation process. That while is a choice that systems may have someone from the outside a part of
corrections look at what's -- what's happening inside our prison as well.

CHAIRMAN KANEK:

Mr. Dretke --

MR. DRETKE:

With that --

CHAIRMAN KANEK:

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

MR. DRETKE:

That was my final --

CHAIRMAN KANEK:

I'm sorry. Thank you.

MR. DRETKE:

Perfect timing.

CHAIRMAN KANEK:

Good. Good. We will defer questions until all three of our witnesses have testified.
Robert L. Green is the warden of Montgomery County, Maryland Correctional Facility. Mr. Green is a certified jail manager, corrections consultant and career for -- correctional petitioner. He has worked with local, state, and national organizations in areas of professional management and technology development.

Welcome, Mr. Green.

MR. GREEN:

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

CHAIRMAN KANE:

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

MR. GREEN:

Very good.

CHAIRMAN KANE:

-- all of your written statements.

MR. GREEN:
I've made that assumption.

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

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

Institutional accountability and internal oversight, to me, is all about accountable leadership and institutional culture. And I believe I can define that for you if asked the question. It's about seizing a moment and time to attack a problem. The transparency and internal oversight starts and ends with the accountable leadership and the appropriately
managed institutional culture.

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

Internal oversight and monitoring is not going to be a one size fits all solution. I believe this Commission clearly sees that. There's layers of accountability and monitoring that I believe are already in place in many of our local facilities. In numerous counties we have grand juries or other monitoring bodies that are required to tour our facilities to publish reports and findings. I also believe the very nature of local corrections with the pretrial population. The access that we provide to public defenders, state's attorneys, community groups, and interested volunteers very much lends to our issue
of transparency. The outside resources are there. There are many opportunities for inmates to make complaints beyond the walls to people that don't work for me. That is an important element of transparency. It's inherent in everything that we do every day.

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

These PREA standards are going to be adopted by states, even if they don't have the hook of legislation or whatever it is for states and locals. They're going to be adopted, and we have to make sure that they fit the various circumstances that are facing local corrections alike, central
Let me talk briefly about standards. Standards are a vital track. They're the roadmap for what we do. I am accredited by four different accrediting bodies. I'm accredited by the American Correctional Association, National Commission on Correctional Healthcare, Correctional Education Association, and the Maryland Commission of Correctional Standards, which has a history going back to the 1970s. Their standards and accreditation audits carry the force of law. But I don't get everything I need from one body. That's why I do it. It's an inexpensive endeavor. And quite frankly, to be honest with you, I'll be flying by the seat of my pants if I didn't subscribe to these processes. But be clear, it's not the accreditation. It's not outcome. It is the daily journey along the route to get to that accreditation that is important. Those checkpoints of daily operation, daily culture, and daily
management, the accreditation, quite frankly, is a piece of paper that hangs on the wall. But absent daily compliance, it's meaningless.

Something that I haven't heard touched on, and I do want to mention this briefly, is the idea of new construction. I read with great interest. There's tons of the new construction going on in this country. I fully realize we have some older facilities and aging facilities that presents some very interesting challenges, some of the linear designs. But I'm still seeing a lack of grass being -- the proposition of direct supervision. I still see many housing units being built in the linear model where staff are not directly located with the individuals they have responsibility for. I wonder why? There's some -- some proven data that shows us the principles, the philosophy of direct supervision, and the architectural design of such lends to a
safer environment.

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

We've heard much about what is not happening across the country in terms of oversight and monitoring, and we've heard described as some pockets of good practices. I would submit to you that I think the pockets of good practices are much larger than we realize, especially in my profession of local corrections. The lack of information and data has not fully illuminated that, which has happened in most corrections and, quite frankly, is -- is very good.
To speak to Commissioner Aiken's question about -- or, I'm sorry, Commissioner Fellner's question about the negative and the fear. The negative I read and the fear that I hear from my colleagues is not generated by these standards or the prospect of these standards. It's generated by the fear of depleting resources that are already at their hands who do the work. It's the fear of unreasonable mandates with no resources to meet them.

I'm not speaking of just monetary resources. I'm speaking of the publications and the information that is going to come out of this work. I believe we are absolutely obligated, and this Commission is absolutely obligated, to make sure that every element of this work is readily available to everybody, not just this broad idea of what the standards need to be. That's fine. But templates, training materials, videos, that needs
to be right here handed to individuals ready to go. Because there are many rural jails, and there's 3900 across the country, that don't have the means, and the nearest hospital is 80 miles away. And we need to think about that. And I think that's a very important thing to realize.

In conclusion, what we're talking about with prison rape elimination and anything else we're talking about, crimes and allegations of crime. In the 23 years that I've been in this business, and 11 as administrator, the overall principle of my management is crime is no more acceptable within the walls of my facility than it is in the streets of my community. And I will prosecute it. I don't put together a team that does that. I have the disposal. It's the 911 -- if there's an institutional allegation of rape, that goes to the police and they do come. And they do provide the exact same resources in
terms of victims assistance, and the
entire process to that individual just
as I will within the walls of my
facility.

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

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

CHAIRMAN KANEK:

Thank you, Mr. Green. You
will get the questions as soon as the
next witness finishes testifying.

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

Mr. Beck will address the importance of staff training, the development of institution accountability.

MR. BECK:

Thank you and good morning.

Mr. Chairman, members of the Commission, I would like to begin by expressing my appreciation to all of you for the opportunity to appear before you today as we continue in our efforts to eliminate the sexual assault in our prison facilities.

On behalf of the Association of America in my correctional -- state correctional administrator role, I want to thank you for reaching out to our organization for allowing us to participate in many of the work groups
and processes aimed at eliminating
sexual abuse.

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

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

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

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

CHAIRMAN KANEB:
That's your Harry Truman --

MR. BECK:
That's my --

CHAIRMAN KANEB:
The buck stops here, right?

MR. BECK:
Yes, sir. I believe -- I
believe that and I believe my
colleagues believe that. There is not
anything worse for a correctional
administrator to experience than to
have inmates who are assigned to your
care, custody, and control of their
facility hurt or otherwise treated
wrong.
We believe that top level accountability sends a message to all employees and inmates that our respective correctional agencies have adopted zero tolerance for sexual violence inside our facility. Top level accountability sets the tone for a correctional environment in which prevention of sexual violence is a priority. Top level accountability provides additional level of oversight for all aspects of PREA compliance and gives us the flexibility to readily review and revise our policies.

And informally, in North Carolina's program for sexual violence, we completed each of the five critical actions, and we found those areas to be critical to establishing sound institutional accountability in our prisons in North Carolina.

Nevertheless, I do not sit before you this morning and hold North Carolina out as a model in dealing with sexual violence within our prisons. Like most
North Carolina continues to grapple with challenges, such as budget cuts, population increases, staffing shortages, and retention issues. These issues of others increase the difficulties we face in preventing sexual violence within our facilities. Nevertheless, I believe North Carolina and most states are having effective framework in place for reducing sexual violence within our facilities and ensuring sound institutional accountability.

While we may not have all of the answers, we are in fact committed to preventing sexual violence within our institutions. We are committed to conducting continuous reevaluation and improvement, identifying and adopting promises and practices and implementing lessons learned from experiences of others. Consistent with the intent of PREA, we are committed to a zero tolerance standard for sexual misconduct in our facilities.
Mr. Chairman, subject to any questions, that would conclude my testimony to the Commission.

CHAIRMAN KANE: Thank you, sir. I do note in your written statement talking about oversight function and then the enforcement of oversight findings. And I quote, my own view is of such enforcement authority, and neither are essential or desirable. We were talking about a monitoring entity. And the last sentence is, enforcement -- the enforcement comes from regulatory body, a budget comes from courts, contracts and monitoring strengths comes from the power of persuasion, not control.

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

MR. BECK: Mr. Chairman, I don't
believe that to be my testimony.

CHAIRMAN KANEK:

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

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

MR. BECK:

On monitoring?

CHAIRMAN KANEK:

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

MR. BECK:

Mr. Chairman, I believe that monitors should report. That would be my initial reaction to -- to your
question. Without knowing what
jurisdiction, what the configurations
are, what is the -- the organizational
structure, how it fits within the
executive branch, whether or not there
are other oversight boards, boards of
corrections, legislative oversight
committees, it will be difficult for me
to take a definitive position. And so
based on -- on some of these unknowns,
I would say initially just to report to
whoever would be deemed or determined
to be an appropriate entity to report
their findings to.

CHAIRMAN KANEB:
Okay. Thank you. And I'm
sorry for reading your testimony in the
wrong place -- or reading Michele's
pages up.

MR. BECK:
Yes, sir. No problem.

CHAIRMAN KANEB:
Thank you, sir.

Other Commissioners?

COMMISSIONER PURYEAR:
A couple of questions. If I can follow-up on Commissioner Kaneb's question about Professor Deitch's testimony. And this is for anybody who wants to comment.

Is there an advantage to having the internal -- if you have an internal monitor, is there an advantage for that not being an enforcement entity in terms of candor of information that you can glean from staff, and your ability to be seen as a positive force that can improve the operations within a facility as opposed to somebody's coming with the potential for leaving black marks on somebody's record which causes some advancement issues, for instance?

MR. GREEN:

I'll be happy to answer that.

In Maryland, I know of no other system of that which carries the force of law with the Maryland Commission of Corrections standards.
They come in, they can make recommendations, those reports would go to legislature, they go before public hearings. I welcome that. That's the system that I've worked in for many years.

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

CHAIRMAN KANEB:

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

MR. DRETKE:

Yeah. I would -- I would support Professor Deitch's statement
that -- it would seem to me somehow the whole integrity of the monitoring system very free to report what they see without implications of enforcement versus those recommendations, then going through appropriate processes through leadership and through all the different mechanisms that -- that create operations. And -- and so, I would support her statement.

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

CHAIRMAN KANEK: Is the monitoring to be reported publicly, the results of the monitoring?

MR. DRETKE: I would think so. I think --

CHAIRMAN KANEK:
By an internal body?

MR. DRETKE:

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

CHAIRMAN KANE:

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

MR. BECK:

Yeah. I would support what the others just said. You know, we as a -- as correctional administrators are very much in tune to the Public Records Laws. I think everyone is fully aware that transparency is now the order of the day. We don't take exception to that. You look at most of the documentary that are now running. I think -- I think correctional facility and correctional agencies are now more opened to media ever in the history. We recognize that as a -- as
an emerging dream that -- that we are
best served by allowing entrance.

CHAIRMAN KANEB:

Any other questions?

COMMISSIONER PURYEAR:

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

MR. GREEN:

In my system it's about 45
percent.

MR. BECK:

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

COMMISSIONER PURYEAR:

Where the inmate grievance
is found to be valid.

MR. BECK:

We are probably, in North
Carolina, looking at probably 25
percent of the population in excess of 38,000 inmates.

MR. DRETKE:

Back from my tenure, I would put our -- our data probably closer to Secretary Beck's. Somehow in that lower range.

CHAIRMAN KANEK:

Yes, Commissioner Aiken.

COMMISSIONER AIKEN:

Good morning to all three of you.

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

MR. GREEN:

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

It's about the demeanor of your staff.

It's about turnover rates. It's about watching people communicate at the lowest level of the organization. It's about white shirt syndrome.

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

All of those things lends to a culture. But that culture can't be managed when I, as the institutional leader, sits behind a desk. That's
very important. It's about standing up
and being accountable and being fully
open to have those reports go in front
of anybody they need -- that needs to
see it.

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

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

CHAIRMAN KANEB:
Commissioner Fellner.

COMMISSIONER FELLNER:
Doug, I was thinking that
now you -- that you are outside the
agency and independent, although I
don't know if you do consulting with
them. I'd be interested in hearing
your reflection -- you've laid out --
you've laid out how it's supposed to
work. And I'd be interested in your
thoughts, and I'd be interested in the
thoughts of the secretary for North
Carolina as to where the tough spots
have been. What have been the
obstacles, the glitches? Where isn't
it working as well as it should as
described on paper? And what lessons
would you draw in advice to us as we
think about standards, based on your
efforts, to overcome the problems?

MR. DRETKE:
I'm going to draw
Commissioner Kaneb's comments again in
trying to answer that on time.

Long history. I want to
start with probably the reportings
first. With policy and procedure has
to come repercussions for not following
policy and procedure. And then I
talked about mandatory reporting. And I go through and think of the evolution of time as -- back in the mid-80s we all of a sudden had this reporting requirement. Everything had to be reported to the central office. Very quickly though, there were repercussions for not reporting. So if an inspector general -- an officer in the inspector general investigation showed that we knew but didn't report, there were repercussion, and fairly strong repercussion. So over time now, reporting is just very much a part of the system. There is very -- there is negligible warden discretion of what is being reported centrally. But it took an evolution of time.

Moving into some of the things like, grievances, safe prison programs, some of those things. I want to go back to Warden Green's comment. Everything begins from executive leadership down. It is what you talk about, what you focus on. When you
walk a unit, what do you address staff about? What do you talk to the offender population about? People pay attention to what you pay attention to.

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

Grievances, a lot of conversations, a lot of discussions. Good wardens pay attention to their grievances. Good wardens pay attention to what are our offender population complaining about. What are the trends, what are the specifics. If Officer Bob's being complained about by a number of offenders, there's a problem there. It's a leadership
responsibility to go fix that. And it was a constant, constant effort to address those things and stay on top of those things.

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

So it took a constant and continual focus on those things that must be -- but to finish repercussions for -- for people, again, follow our policy and who didn't follow. And that's why things like operational reviews, paying attention to all the data, the performance measurements. You know, everything that -- that a system does with policy and process should lead to the creation of data and indicators and performance measurements, comparing like units to
like units, what are your grievance numbers.

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

MR. BECK:

Thank you.

One point I would like to -- to throw out is that corrections and prison, in many respects, does not have a very growing history. But it is my belief that it is a new day in the corrections environment, a new day in the operational facilities. There is much new leadership who -- who is all about wanting to -- to do the right thing. Why? Because it is the right thing to do. I think that there's an attitude of respect for the work that we do that is probably under evaluated and not recognized nearly enough.
When you think about this issue of -- of oversight and external monitoring, you know, I think it's unrealistic to think that the mere presence of -- of outside oversight or monitors fixes things. Because there -- prison systems are so far behind, in terms of resources being adequately funded, when you have to compete with education, healthcare, all of these other public policy and perceptions of inmates having too much. You know, contrary to what many may believe, there are still many legislative bodies who believe that inmates shouldn't have this, inmates shouldn't have that. And that we end up being under-funded in -- in many respects. Now, I'm thoroughly convinced that a lot of the concerns of this, which I guess can be addressed and probably addressed with resources. The question becomes where do those resources come from. But I believe
that -- that you have a -- a willing
spirit in the -- in the administrators
and in the profession at large
willingness to -- to do right, to run a
safe and more secured prisons.

COMMISSIONER AIKEN:

Mr. Chairman.

CHAIRMAN KANE:

Yes, Mr. Aiken.

COMMISSIONER AIKEN:

I must respond to that.

I've often said that -- that the prison
systems do not have a very good alumni
association to -- to lodge at the
legislature. But also, I -- I do
acknowledge the spirit of -- of
openness that -- that you all three
have demonstrated this morning. And --
and I'm more than willing, not only to
read your prepared comments
presentation, but to also solicit
additional information so that the
industry or the profession cannot only
just look clean but to smell clean.

And -- and do it in our open spirited
way to move staff, inmates, from
resistance to compliance and,
ultimately, to professional commitment.
And thank you for your presentations
this morning.

CHAIRMAN KANEB:
Commissioner Nolan, do you
have a question?

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

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

The resources you have would
go much further if you had a lower
population, and the incidents of violence would decrease if you had a lower population. And so one of the things that I think we need to address is the type of people we send to prison. You know, how -- and it's up to legislators to do that. But I think one thing to look at is we could prepare inmates better to live better lives. And we'll have few incidents of violence if our prisons were less crowded.

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

MR. BECK:

I agree.

MR. GREEN:
And just to comment on that.

I do need to brag about our department.

Montgomery County, being the largest county in the State of Maryland in terms of population, has the lowest incarceration rate of 24 Maryland counties because of pretrial supervision. You know, we have -- I have 800 in my facility. We have 2300 on pretrial supervision, and another alternative program to keep those individuals out of the facility that don't need to be there. It's a very important part. And absent, there's release -- and there's backups.

There's one thing in this world that is really hard to run, that's an overcrowded jail or prison. You're up against the wall starting.

COMMISSIONER NOLAN:

One other comment. And this has come up, you know, all the time.

But I think one thing too is if we remove the mentally ill from our prisons. Rather than prison being the
first option of treatment for them,
which in reality they are, not only is
it unfair to the mentally ill to be in
prison and dangerous for them, because
they're so often victims, it makes
management of prisons virtually
impossible because of their behavioral
problems because the, you know, the
difficulties that they have, and they
don't belong in prisons. That would
take a big chunk of overcrowding.

MR. GREEN:
You just defined the next
commission after this one, in my mind.

CHAIRMAN KANEB:
Gentlemen, thank you.
So without putting words in
your mouths, are you all three
basically saying -- or buying into the
idea that in order to be effective,
internal oversight need not have
enforcement powers but must be free to
publish to the public its findings?

MR. GREEN:
What I'm saying is, internal
or external, I don't care. They can publish it. They cannot. And they can have enforcement power. I need to do my job inside the walls. And where it goes, it goes.

CHAIRMAN KANE:
I see Doug is nodding here, so. Mr. Green are you okay with that?

MR. GREEN:
Yes.

CHAIRMAN KANE:
Okay. Okay. Mr. Beck?

MR. BECK:
I'm okay with the reporting. And I'm okay with the -- immediately, automatically, I think in most respects, unless it deals with a -- a very unique situation, is going to fall subject to the Public Records Law, so.

CHAIRMAN KANE:
I realize we're in a public form, and you're testifying under oath. And I don't mean to put it in that kind of context. We're trying to develop -- we are developing standards. And we're
seeking opinions and advice in various form, as you know. I mean, we're -- our staff is meeting with people who are experts. Our panels are meeting with people and so on and so forth.

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

Thank you.

MR. BECK:

I agree with that, Mr. Chairman.

CHAIRMAN KANE:

Thank you.

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

MR. BECK:

Thank you.