

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

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

16 THE CHAIRMAN: Thank you, Mr. Wall.
17 Ms. Caruso.

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

21 I'd like to start by acknowledging and I'm
22 sure that my colleagues are in agreement with me

1 that the common perception of the public as
2 reinforced by Hollywood of life in prison in
3 general and particularly issues of sexual
4 misconduct and sexual violence in prison, is
5 largely erroneous and fictitious. But more
6 importantly than that, what I would like to state
7 is that as corrections professionals, it's critical
8 that we acknowledge that no matter how erroneous
9 that public perception is, even one case of sexual
10 misconduct in a prison environment is too many. It
11 is our job to ensure that that does not happen.

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

19 We spend a lot of time, and I know you have
20 had a lot of testimony and I think understandably
21 for obvious reasons, dealing with the issues of
22 male staff overfamiliarity with female prisoners.

1 Our department was the subject of a three-day
2 series of articles in a statewide newspaper last
3 year in some ways scathing articles on our
4 department and went back many years in terms of the
5 relationships and interactions and in some cases
6 criminal behaviors that had occurred in our prisons
7 relative to male staff and female prisoners.

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

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

22 In Michigan we've made a number of changes,

1 many of them and those that are probably most
2 well-known are in our female system, our female
3 prison system. The biggest change and in some
4 quarters most controversial, within the last year
5 we have removed all male corrections officers from
6 the living units in our female prisons. No men are
7 allowed to work in the housing units in our women
8 prisons as corrections officers.

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

18 We have, for a long time, trained our female
19 prisoners when they come to prison on how to
20 complain. You walk into our housing units. There
21 are large signs that say you do not have to
22 tolerate this and it lists various behaviors. Some

1 of you have probably seen those signs. We train
2 the prisoners on what they don't have to accept,
3 and we train them to complain. We train our staff.
4 All staff who work in our female facilities go
5 through very, very specific training, gender base
6 training and cultural training, training on
7 reporting, training on why it is so important that
8 staff never, ever cross those lines.

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

17 A prisoner who was serving six life sentences
18 in the state of Michigan left the prison and a
19 female staff member was missing. It was quickly
20 determined that the staff member was complacent in
21 the escape and had been involved romantically --
22 physically with this prisoner for a period of time.

1 Much to our chagrin, we later learned that a second
2 female staff person was also complacent. One of
3 the staff person was a food service worker an one
4 was a corrections officer.

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

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

20 If you look at examples of our counterparts in
21 education, we have lately seen around the country a
22 spate of female teachers who have prayed on young

1 boys. It is not looked at the same as if that was
2 a male teacher praying on young women. It is not
3 the same, but that is inexcusable. And we have, in
4 this department, attacked that problem as well.

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

18 In Michigan, we're fortunate. We do have
19 legislation in Michigan that has made staff sexual
20 misconduct with prisoners a felony. It is a felony
21 punishable up to 15 years in prison and registry as
22 a sex offender and we seek that.

1 One of the other things that's happened in the
2 last year is I went to the prosecuting attorney's
3 association and talked to them specifically about
4 issues of staff sexual misconduct with prisoners
5 regardless of whether it's male, staff on female,
6 female staff on male staff, female/female,
7 male/male, it doesn't matter. this is criminal
8 behavior. As other speakers have said, it is not
9 about sex. It is about power. I know that
10 sometimes people feel that parties may be in love
11 or that it is, quote, unquote, consensual. There
12 may be things in the world that fit that criteria.
13 In prison they do not. And we must aggressively
14 pursue those.

15 So I went to the prosecutors and I asked for
16 their help. And I asked them what they needed from
17 us because I know sometimes they can't make a case,
18 so we have to do a better job investigating or our
19 interactions with the State Police have to be
20 better if we want to see that happen. But I asked
21 for their support in doing this and they pledged
22 that to me.

1 I went to our wardens at their wardens meeting
2 where they were all there and we talked very, very
3 clearly about this, laid out the news papers. You
4 don't like this? Then let's not be part of
5 anything that brings this attention to us. I told
6 the wardens when you have a case of sexual
7 misconduct, I expect you to go personally to your
8 local prosecutor.

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

21 We started communicating to all staff on this
22 subject. We have a news letter. I brought a

1 couple with me. It's called FYI, goes out every
2 two weeks to every employee in the Department of
3 Corrections. So we have started on an frequent
4 basis addressing the issue of overfamiliarity,
5 talking about how it compromises security, giving
6 staff a list of behaviors to watch for, opening
7 dialogue between staff. More often than not, when
8 we have issues of sexual misconduct in prison
9 between staff and prisoners, we find out because
10 our staff tell us. That's what should happen.
11 Prisoners should tell us too. Staff ought to have
12 their eyes open. We tell staff that none of you
13 would think twice about coming to the aid of a
14 staff person if you saw them assaulted by a
15 prisoner. You have to set the same standard if you
16 see staff by their being manipulated by a prisoner
17 or staff manipulating and any kind of behavior that
18 is going to lead to a situation that's
19 inappropriate. You have the same obligation as if
20 you see someone smacked in the face. Your
21 responsibility is exactly the same.

22 I spent a lot of time in the last year

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

12 One of the reasons we say this, and this
13 doesn't apply because they're women, it applies to
14 all staff. But one of the things I said at the
15 sentencing hearing of the corrections officer, and
16 have said repeatedly, is that when we talk about
17 prisoners, we often say that we should lock up
18 people we are afraid of and not those we are mad
19 at. We should be afraid of staff who cross those
20 lines because they put people in danger. What
21 happened at our prison is a fabulous example of
22 what happens when staff cross lines. They lose

1 their professionalism and they make decisions that
2 put other prisoners, other staff, and the public at
3 risk.

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

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

18 I go to every corrections academy of new
19 corrections officers and talk to them about a lot
20 of things. One of the things I talk to them about
21 is this subject. I explain to them why it's not
22 appropriate. And I tell them that if you cross

1 that line, we will investigate. If it is
2 substantiated, we will fire you. We will seek
3 prosecution and we will not rest until we see you
4 in prison. And I tell them how many people, how
5 many staff have been incarcerated within the last
6 year for that behavior. It's important for them to
7 know that.

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

1 important because it sends the message.

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

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

20 In conclusion, I would just like to say that
21 this is an issue that we can never lose sight of.
22 Our most basic mission in corrections is

1 protection. We always say protection of the
2 public. The public encompasses all of us. And as
3 I started by saying, when we don't recognize those
4 boundaries, we put everyone at risk. And as
5 leaders, it is our responsibility to ensure our
6 staff know that. Thank you.

7 THE CHAIRMAN: Thank you very much for
8 your testimony.

9 Mr. Sprenkle.

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