

Commission on Safety and Abuse in America's Prisons – Fourth Public Hearing
St. Robert's Auditorium, Loyola Marymount University
Los Angeles, California
February 8 – 9, 2006
Transparency, Oversight, and Gang Violence

Wednesday, February 8

9:00 - 9:30 **Opening Statements and Welcoming Remarks**

- **Laurie L. Levenson** – Loyola Law School Professor and Director of the Center for Ethical Advocacy
- **Hon. John J. Gibbons** – Commission Co-Chair
- **Roderick Hickman** – Secretary of the California Department of Corrections and Rehabilitation

9:30 - 10:30 **Personal Accounts**

- **Pernell Brown (Oregon)** - A former member of the Bloods street gang who now works with the Oregon Department of Corrections and with community-based organizations to reduce gang violence among adults returning to the community from prison. He served seven years in prison for a violent felony conviction.
- **Gary Johnson (Texas)** – A career employee of the Texas Department of Criminal Justice – advancing from corrections officer to assistant warden to Executive Director. During that time the Texas system was under federal oversight.
- **Victoria Wright (California)** – Victoria Wright's husband of 33 years, Jay Wright, was convicted of a white collar crime and sentenced to three years in prison. He died three months later, in August 2005, while incarcerated in the High Desert correctional facility in Susanville, California. Victoria Wright will testify that the department of corrections did not provide the medication her husband depended on, despite a documented history of heart trouble – including two prior heart attacks.

10:30 – 10:45 *Break*

10:45 – 12:15 **Addressing Violence: Gang Affiliation and Drugs**

This panel will explore the complicated reality of gang violence by looking at the breadth of the problem, the reasons prisoners join gangs and how they function within correctional facilities, and the links between prison gangs and gangs on the street. The panel will also discuss some of the ways correctional agencies can preempt and respond to dangerous gang activity.

- **Daniel “Nane” Alejandrez (California)** – A former prisoner, Mr. Alejandrez is Executive Director of Barrios Unidos (“United Neighborhoods”), a national community-based peace movement headquartered in Santa Cruz, California, that addresses youth, violence, and gangs. He will explain why prisoners join gangs and suggest how prison programming that promotes cultural and spiritual traditions and that supports families and communities can minimize the influence of gangs.
- **James Byrne (Massachusetts)** – A Professor in the Department of Criminal Justice at the University of Massachusetts-Lowell, he has conducted research on the causes, prevention, and control of institutional violence and disorder. He will describe the results of an initiative by the National Institute of Corrections to improve conditions in prison by changing staff culture and compare it with alternative reform strategies that focus on services to and programming for inmates.
- **Anthony Delgado (Ohio)** – Security Threat Group Investigation Coordinator at the Ohio Department of Rehabilitation and Correction. He will discuss an incentive-based program the department developed to reduce gang membership. This program is in its pilot phase and is designed to meet client needs inside and outside the facility.
- **Mark Fleisher (Ohio)** – Director of the Begun Center for Violence Prevention, Research and Education at Case Western Reserve University. He will offer the view that the present data does not support a significant link between prison gang affiliation and violence and will discuss the need for greater emphasis on informal social control mechanisms to make prisons safer.

12:15 – 1:15 *Break*

1:15 –2:45 **Transparency in American Corrections**

This panel will explore the key components of transparency and whether America’s jails and prisons are more or less transparent to the public than other U.S. government institutions and correctional agencies in other countries. Aspects of transparency to be explored include: the availability

of data and records and the meaningfulness of that information; the openness of institutions to visits by citizens and nongovernmental organizations; and openness to the press.

- **Silvia Casale (Great Britain)** – President of the Council of Europe’s Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). She will discuss transparency as a means of protecting prisoners from abuse and ensuring safety; describe the CPT’s inspection and oversight regime and its virtues; and compare the CPT’s work (and that of member states) with approaches to oversight in the United States.
- **Gwendolyn Chunn (North Carolina)** - President of the American Correctional Association and former Director of the North Carolina Division of Youth Services. She will share her view that transparency is a value that is widely embraced by corrections administrators and that must be further embraced by the public and their elected representatives so that prisons and jails can focus on rehabilitating people.
- **Walter Dickey (Wisconsin)** – Former Secretary of Corrections for the state of Wisconsin in the 1980s and now court-appointed monitor at Wisconsin’s supermax facility and professor at the University of Wisconsin Law School. He will argue that American correctional agencies are less transparent than their equivalents in other western democracies; discuss the kinds of information these agencies should provide – and what the public should demand; and explain why security is not a sufficient justification for withholding information.

2:45 – 3:00 *Break*

3:00 – 4:30 **Governmental Oversight of Prisons and Jails**

This panel will explore how governments aim to oversee correctional systems, commenting on the strengths and weaknesses of various models. They include: ombudsmen, inspectors general, offices of independent review, as well as oversight in the form of local criminal prosecution and the civil and criminal work of state attorneys general and the U.S. Department of Justice.

- **Matthew Cate (California)** - Inspector General of California responsible for investigating and auditing the state’s Department of Corrections and Rehabilitation. He will explain how California came to revamp its principal governmental oversight mechanism, the Office of the Inspector General. He will describe how they developed a robust model grounded in statute and based on principles of transparency and independence. That independence flows from the office operating

outside of the corrections department and insulated from the legislative and executive branches of government.

- **Michele Deitch (Texas)** - Professor at the LBJ School of Public Affairs at the University of Texas at Austin. She will provide an overview of the forms of governmental oversight, both within and outside departments of corrections. She also will identify principles that should guide oversight structures – such as independence from corrections and from the executive and legislative branches, adequate resources, and separation from enforcement mechanisms – and offer examples of successful models.
- **William Yeomans (Washington, D.C.)** – Former supervisor of litigation at the Civil Rights Division of the U.S. Department of Justice and presently Director of Programs at the American Constitution Society for Law and Policy. He will describe how DOJ oversees state prisons and local jails through civil litigation and criminal prosecution – providing statistics on the number of complaints and allegations the department receives, the number investigated, and the number that result in litigation – and discuss the both the importance and limits of this form of oversight. He will recommend ways to strengthen these tools.

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Thursday, February 9

9:00 – 9:15 The Importance of Oversight in Corrections and Beyond

- **Merrick Bobb (California)** – Court-appointed monitor for the past seven years of the Los Angeles County Sheriff’s Department, the nation’s largest jail system, and President of the Police Assessment Resource Center (PARC). He will describe the pitfalls of self-regulation and argue for a layered approach, where government oversight is complemented by more independent forms of oversight.

9:15 - 10:30 Creating the Conditions for Positive Change

This panel will try to develop consensus about what forms of fundamental change are necessary to make prisons and jails safer, more humane, and therefore more effective correctional institutions. It will explore the underlying conditions necessary to make reform “stick,” the political and social obstacles to meaningful reform, and how to overcome them. Ultimately, the witnesses will broaden our sense of what is possible and how to achieve it.

- **Scott Harshbarger (Massachusetts)** – Former Massachusetts Attorney General and Chair of the Governor’s Commission on Corrections Reform. He later led the Commonwealth’s Department of Correction Advisory Council created to assure implementation of the Commission’s main recommendations. He will talk about his experience in both roles, describing progress and setbacks, and commenting more broadly on the role of commissions, legislative action, and public opinion in achieving lasting reform.
- **Darryl Hunt (North Carolina)** – A prisoner for 19 years before being exonerated and now Executive Director of the Darryl Hunt Project for Freedom and Justice, which assists people returning home from prison. He will describe the enormous struggle of just surviving inside prison, in body and spirit; suggest how prisons can become safer and more humane and productive; and discuss the work of building public support for reform.
- **Dora Schriro (Arizona)** – Director of Corrections in Arizona and former Director in Missouri. She will describe the fundamental ways in which America’s approach to incarceration must change and how to foster that change. Specifically, she will describe her efforts to create a “parallel universe” where prison life models pro-social life in the community, and make a case for real partnerships among prisoners, correctional staff, crime victims, law makers, and the public in that public safety reform agenda.

10:30 – 10:45 *Break*

10:45 – 12:15 **How the Corrections Profession Creates Accountability**

This panel will explore how the corrections profession aims to hold itself accountable through good management; data collection, analysis and dissemination; internal auditing; and professional accreditation – highlighting best practices in internal accountability. Witnesses will address to what extent good management functions like oversight, the difference between “standard setting” and internal audits compared with external oversight, and whether best practices are followed in U.S. prisons and jails.

- **Michael Ashe (Massachusetts)** – Elected Sheriff of Hampden County, Massachusetts for 31 years. Sheriff Ashe will describe how he has sought to create accountability to the community by making the jail an abuse-free and productive environment for change: requiring inmates to engage in 40 hours a week of work and programming, offering incentives for early release and community supervision, and bringing community health care providers into the facility to assure the quality and continuity of care.

- **Harley Lappin (Washington, D.C.)** – Director of the Federal Bureau of Prisons (BOP). He will describe the extensive systems within the Bureau of Prisons to achieve accountability at every level. In particular, he will discuss how the BOP analyzes assaults and other safety concerns, evaluates the performance of correctional leaders, and assesses the effectiveness of grievance procedures for inmates.
- **A.T. Wall (Rhode Island)** – Director of the Rhode Island Department of Corrections, where he runs both prisons and jails statewide. He will describe correctional institutions as self-contained societies where an imbalance of power pervades and explain why recognizing this reality is key to ensuring accountability. He will discuss ways to balance the need for greater openness with the genuine security concerns openness can present.

12:15 – 1:15 *Break*

1:15 – 1:45 **Independent Governmental Oversight—A Model from Britain**

- **Anne Owers (Great Britain)** – Her Majesty’s Chief Inspector of Prisons. She will explain how the United Kingdom has come to embrace independent oversight of its prisons, where the Inspectorate remains separate from the correctional agency yet collaborates with it, and will describe the regular, detailed, unannounced inspections her agency undertakes and their basis in a set of “expectations,” rather than minimal standards. She will contrast that approach with her observations of oversight in this country and elsewhere.

1:45 – 3:15 **Litigation as Oversight**

This panel will explore the role of non-governmental litigation in prison and jail oversight – its strengths and limits. Witnesses will address how courts weigh evidence of abuse and on what basis judges decide intervention is warranted. The panel will also explore the Prison Litigation Reform Act (PLRA) and the impact of this far-reaching statute on the ability of federal courts to protect prisoners’ rights and ensure that correctional systems comply with constitutional standards.

- **Alvin Bronstein (Washington, D.C.)** – Director Emeritus of the American Civil Liberties Union’s National Prison Project, which he founded in 1972. He will describe how litigation and court-ordered monitoring have been and, although somewhat diminished, continue to be the principal means of overseeing American jails and prisons – commenting on their effectiveness and limitations, especially in light of the Prison Litigation Reform Act (PLRA).

- **Stephen Hanlon (Washington, D.C.)** – A partner at the law firm of Holland & Knight and pro bono counsel in numerous class action lawsuits about unsafe and abusive conditions in prison. He will focus on the effects of the PLRA: barring prisoners from the courts until they exhaust all administrative remedies, limiting compensation for attorneys, prohibiting lawsuits that seek damages for mental or emotional injuries absent a physical injury, and limiting the breadth and duration of court monitoring.
- **Judge Myron Thompson (Alabama)** – Judge Thompson serves on the U.S. District Court for the Middle District of Alabama and has presided over cases involving severe overcrowding, gross medical neglect, and other unconstitutional conditions in prison. He will argue that federal constitutional litigation is necessary to ensure that prisoners are protected from abusive prison and jail conditions. He will also describe the many legal rules that affect whether a prisoner may prevail in litigation, regardless of the merits of his or her claims.

3:15 – 3:30 *Break*

3:30 – 5:00 **Beyond Government Oversight**

Oversight can come in many forms, not always through formal governmental mechanisms within or outside correctional agencies. This panel will explore some of the ways that non-governmental organizations seek to hold correctional agencies accountable – from giving prisoners a voice with legislatures and the press to empowering families to advocate for their incarcerated loved ones to engaging citizens in visiting and reporting on prison and jail conditions. An effort will be made to identify ways in which non-governmental organizations and individual citizens can work collaboratively with correctional administrators.

- **Jack Beck (New York)** – Director of the Prison Visiting Project of the Correctional Association of New York and formerly a senior attorney at the Prisoners Rights Project of the Legal Aid Society of New York. He will describe the Correctional Association, its activities, and its relationship with the Department of Correctional Services, the state legislature, and the public. He will argue that the Association fills a gap in the state government’s patchwork of oversight mechanisms and present preliminary findings from an Association study about violence in New York prisons.
- **Katherine Hall-Martinez (California)** – Co-Executive Director of Stop Prisoner Rape (SPR). She will describe the public advocacy work of SPR which is based on making heard the voices of people who have survived sexual assault in prison. She will describe the flow of information SPR receives and how these voices – otherwise largely

unheard – form the basis of their efforts to assure that good statutes, regulations, and policies are established and that they are then fully implemented.

- **A. Sage Smith (Illinois)** – A former prisoner, he is an advisory board member of the John Howard Association, one of the oldest citizens groups monitoring prisons, and Director of Client Services at the Center on Wrongful Convictions at Northwestern University. He will describe the work of citizens groups and their informal oversight function. Speaking from personal experience, Mr. Smith will describe the critical role outside groups play in reducing stress and decreasing violence in prisons and jails by bringing programming, education, and the hope for successful reentry.
- **Leslie Walker (Massachusetts)** – Executive Director of Massachusetts Correctional Legal Services. She will describe the oversight functions the office undertakes, including the Rapid Response to Brutality Project, in which her office sends attorneys with cameras to immediately capture the results of staff violence against prisoners. She will describe how they use those photos and accounts of abuse to advocate for reform with the corrections department, the legislature, and through the press to the public.

Acknowledgements: The Commission on Safety & Abuse in America’s Prisons would like to thank the law firm of Heller Ehrman and its dedicated attorneys who contributed countless hours to the preparation of this hearing.

The Commission also thanks TSG Reporting, Inc. for its donation of transcription services.

Finally, the Commission is very grateful to Loyola Marymount University for both hosting the Commission hearing and giving so generously its time and resources to planning the event. Special thanks to Father Lawton, Trish Carlson, and the students of the Center for Service in Action.