

WRITTEN STATEMENT TO THE REVIEW PANEL ON PRISON RAPE

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As Sheriff of Hampden County, Massachusetts, I am primarily a correctional administrator. In Massachusetts, Sheriffs do not have patrol duties, and our major responsibility is to administrate the county's jail for those awaiting trial and the county's house of correction for those sentenced to 2 1/2 years or less.

Please note that in many, if not most, states, everyone sentenced to one year or more is sent to state prison, so that a Massachusetts Sheriff has in his custody many sentenced inmates who in other states would be in state prison. I therefore believe that a Massachusetts Sheriff is a "hybrid", so to speak, whose experience is applicable to, and replicable by, both county jails and state prisons.

I have approximately 2000 inmates in my custody. Approximately 1500 of these individuals are behind our medium security fences, including 700 detainees awaiting trial and 800 individuals sentenced to 2 1/2 years or less. The other 500 sentenced individuals are in lesser levels of security, including a minimum security pre-release center; a regional correctional alcohol center, originally founded for Driving Under The Influence offenders, but now extending to other substance abusers; a day reporting center, the first in the nation, founded in 1986, whereby offenders live at home at the end of their sentence while being supervised and supported in their efforts to participate in positive community activities; and a community corrections center that serves as a locus point both for those given alternative, intermediate sanctions and for those seeking to successfully re-enter the community after serving their sentences. To be technically accurate, a very small number (approximately 10) of pre-trial individuals are in either pre-release or day reporting.

I have been Sheriff of Hampden County for over 31 years and herein hope to share my experience on the topic of oversight and accountability.

First let me point out that although we often hear that all the high-sounding vision statements in the world are just empty chatter without organizational follow through, it is also true that any successful correctional organization must be infused with, and guided by, a vision of what it seeks to be and, indeed, what it seeks not to be.

It is also important to state my belief that what ultimately makes a correctional institution work has to do with the hearts and minds and spirits of those who people it, not with bricks and mortar, shatterproof glass, pre-fab cells or organizational charts.

I am reminded of the old western movie wherein some cowboys are sitting by a campfire waxing philosophical, and one of them says, "The way I see it, what matters about a man is whether he keeps his promise." Another cowboy says, "Well, that's partly it, but it's more than that: it's who he makes his promise to." So before I detail how we as an organization seek to fulfill our promise, I want to offer what, indeed, our promise is.

There are seven underlying principles of our vision of excellence in corrections at Hampden County that I would cite:

The first of these is "BALANCE"

Our motto of correctional supervision is "Firmness dignified with fairness; strength reinforced with decency."

As with any correctional facility, our foundation is a safe, secure, orderly facility, but that is only our foundation, not the whole edifice. If you stop there, you miss a great deal of the challenge and energy and good efforts of corrections. The house that we build on that foundation, our daily operational practice, has to be humane, positive, productive, and permeated with a respect for the worth of every staff member and every inmate.

Like most of life, the answers in corrections will not fit on a bumper sticker and they do not lie at the extremes. We do not want to run hotels, but we also don't want to run cesspools of stagnation, frustration and new crime.

Our second underlying principle is **WE ARE IN THE BUSINESS OF NOT JUST INCARCERATION, BUT CORRECTIONS.**

My average inmate is in his twenties; is a substance abuser; has dropped out of school before completing the 10th grade, and has a fifth grade reading level; has never lived a year of his life in a home with a middle class income; and does not own a motor vehicle. In short, an addicted, poor, undereducated, unemployed, unskilled young person.

Incarceration is about keeping that person in a holding pattern for a length of time, incapacitating him. Corrections, on the other hand, is about also giving that person the opportunity, the challenge and the responsibility to pick up the tools and directions to build a law-abiding life.

Our third underlying principle is that **INMATES SHOULD BE HELD ACCOUNTABLE TO BE POSITIVE AND PRODUCTIVE.**

This paper addresses the subject of oversight and accountability, and I think there is always the premise that one cannot expect inmates to be held accountable if staff are not held accountable. I would like to submit that the converse is also true.

If you want to pay staff to supervise inmates who sit around all day watching Jerry Springer, don't expect them to act like professionals.

The lives of those incarcerated are really the basic "product", if you will, of a correctional facility, and unless one has an institution wherein the basic ethos is the betterment of that product, the whole enterprise has little meaning for its employees. Without that, they look to find their meaning in "us versus them" hostility, anger, abuse and violence.

At Hampden County, we expect inmates to be at work assignments or at programs like Substance Abuse Education and Treatment, GED Preparation, English as a Second Language, Victim Impact, Anger Management etc. for at least 40 hours per week.

In essence, we expect inmates to "answer the bell" for a productive day, just like we the staff are seeking to do, and just like they will have to do if they are to be productive citizens.

We have over 104 programs available to the 2000 people in our custody, and we make them accountable to utilize these programs to change their lives.

But more than that, we have in the last several years developed what we call a "Basic Intensive Regimen."

The premise behind this "Basic Intensive Regimen" is solid, the logistic is simple, and it is, I believe, adoptable and adaptable to any correctional operation seeking to impact those in its custody.

The premise that we founded the inmate Basic Intensive Regimen on is that the time that inmates are most susceptible to change is when they first come into an institution and the full impact of their situation hits them. They are, for the first time perhaps in a long while, without chemicals to rely upon, street companions, and the "amenities" of their criminal lives. At this vulnerable and crucial time, their chief orientation can be to the informal inmate culture or it can be to the culture of life-change of the institution. Often the long-term programs that these inmates sign up for in substance abuse, education, work assignment etc. have waiting lists, and valuable and crucial time is lost.

Our Basic Intensive Regimen assures that offenders receive mandatory basic core programs for 5 weeks at the beginning of their incarceration. Core Programming classes focus intensely on substance abuse, anger management, cognitive thinking, victim impact, "Learn to Earn", "Why School", and beginning release planning etc. Uniform and non-uniform staff step up to lead these classes. In terms of deployment of staff, let us remember that someone conducting a class for these people is also supervising these people. Motivated uniform staff on the living units themselves can conduct these classes. Those inmates who refuse this mandatory core programming, or are disruptive to it, are assigned to our "Accountability Pod" as a consequence. This is a stark living unit with no amenities. It is not a disciplinary unit, and inmates can earn their way off this pod only by successfully participating in its program, geared toward life change.

The fourth underlying principle of our correctional operation is that WHETHER IT BE A STATE PRISON OR COUNTY FACILITY, URBAN, RURAL OR IN-BETWEEN, IT SHOULD BE PART OF THE COMMUNITY.

We have 500 volunteers representing 75 different organizations coming into our facilities. Many of these are faith-based.

For any given semester, we have 50-75 college interns representing up to a dozen colleges.

The idea is to bring the positive aspects and resources of the larger community behind these walls. We do not want to be a "fortress in the woods".

We all know that beyond the assistance that this dedication and expertise gives to us in our good efforts, such openness to the community is a de-facto monitoring agent in oversight and accountability, adding 550 sets of eyes that those who would perpetrate violence and abuse must avoid; in a sense, 550 surveillance cameras from the larger community.

The fifth principle is that THOSE IN CUSTODY SHOULD BE KEPT AT THE LEAST LEVEL OF SECURITY THAT IS CONSISTENT WITH PUBLIC SAFETY.

We need a whole continuum of security levels.

We believe that the least level of security that an offender is on at the time of release, the better their chance to stay out of jail or prison. If this saves money that can thus be used to fight the sources of crime, and if this prevents crime because of the better chance at successful re-entry, then we must lead our public in seeing that lesser security is not a risk to safety but rather an effective public safety weapon. For every breach of trust or crime committed by someone in community corrections, a thousand crimes may have been prevented.

Release planning should begin on day one of incarceration and community re-entry must be gradual, supervised and supported. Networks must be established consisting of partnerships of criminal justice, social service, housing providers, employers, and other community resources to assist in re-entry. All that we do inside our fences and in our continuum of custody is geared toward successful community re-entry.

We began an "After Incarceration Support Systems" program, located in our Community Corrections Center, through which offenders can voluntarily stay involved with us for support during the crucial first months of re-entry.

The sixth principle is that CORRECTIONS SHOULD NOT ALLOW ITSELF TO BE A SCAPEGOAT FOR THE FAILURES OF THE LARGER SOCIETY.

Every correctional institution has a 100% failure rate coming through the front door.

Every other societal system - familial, educational, economic, religious etc, - has failed to successfully socialize the individual by the time that they are brought to our front door in shackles and handcuffs. I don't recruit, and I don't know any correctional institution that does.

Correctional institutions should be seen by the community in the same way that hospitals are. We want a hospital to be as effective as possible in treating illness and accidents, but we don't blame hospitals for the illness and accidents they treat. If we want to seek to prevent those illnesses and accidents we do so in the larger community. By the same token, we shouldn't blame correctional institutions for the social maladjustment and crime of the larger society that correctional institutions seek to address.

If we want staff to respect themselves as professional, we must insist that the community respect us for what we are, not blame us for its own failures.

Corrections is a "game of inches" that addresses damage already done. The ultimate answers to crime lie outside the fences, and when we pretend that they lie inside the fences, we avoid facing the real truths and finding the real answers.

The seventh underlying principle is RESPECT.

Not the misplaced and misused "respect" that inmates and staff confuse with machoism and pridefulness, but a respect by staff and inmates for the professionalism of the role of correctional worker; a respect for the humanity of all within the fences; a respect for the physical surroundings of the facility (ours has green grass and flowers wherever we can put them); and a respect, again by inmates and staff, for the authority invested in staff in the name of the people.

Having offered seven of the underlying principles that should, I believe, inspire a correctional operation, I would like to now offer systemic and replicable aspects of our operation that help us make these underlying principles part of our daily operations.

The first is that we have lessened, if not totally eliminated, the traditional chasm between security and human services in corrections.

Someone hired by us as a correctional officer can pursue two tracks in a work career: first) they can seek to stay in uniform and rise through the ranks from Officer to Corporal, Sergeant, Lieutenant, Captain, Primary Captain and Major; second) after serving as an Officer for a time, they can seek to become a Correctional Case Worker. These Correctional Case Worker positions are bridge positions that we've created. Correctional Case Workers join Officers and Counselors on 3 person teams in our living units. Correctional Case Workers are still in uniform, but their duties are partly officer and partly counselor duties, assisting both their team members. Our Counselor ranks are filled from these Correctional Case Worker ranks.

This career path from Correctional Officer to Correctional Case Worker to Counselor serves us in a number of ways. Since anyone interested in human service work must begin as an

Officer, it expands the traditional correctional hiring pool beyond "law enforcement types", if you will." We hardly hire anyone anymore directly into counseling positions. Rather we tell would be counselors that they must start as officers. Fully 41.7% of our uniform staff now possess a degree in higher education. This expansion of the hiring pool has two advantageous results: first) the bigger the hiring pool, the better the caliber of people that are hired; second) the infusion of "human service types" into our officer corps mitigates the tough-guy, "us versus them", one dimensional mentality that can support violence and abuse by staff.

Since most counselors now have gone through the academy with, and served as officers with, security people, the gap and animosity between security and human services is reduced, dramatically in our case, if not eliminated. Thus an ethos of impacting offenders positively, not just controlling them, can thrive better in a facility.

Another systemic effort is that we have adapted some private sector type incentives and attitudes as regards the work force.

By contractual agreement with our union, we give annual job performance bonuses earned by superior job performance evaluation, attendance, training and disciplinary records. Last year 74% of our officers received these bonuses.

We also give an annual bonus for passing a physical fitness test. Failure to pass this fitness test, which is scaled to age, can result in job termination. Will this work? Last year a total of 425 staff with inmate supervisory responsibilities were required to pass this test. 12 staff received medical accommodations; 3 suspensions were issued, and employees were reinstated after they passed the test; there were 0 terminations necessary.

What this bonus system works against is the stereotypical "gone to seed", indolent, "keeper of the keys" correctional officer with no stake in his job performance or fitness.

We have a very extensive system of honors and accolades for officers, complete with a system of different colored ribbons to be worn on uniforms consistent with awards such as Officer Of The Year, Professional Excellence, Employee of the Quarter, Distinguished Service etc..

We also have a great emphasis on initial and on-going training. After a seven week training academy which emphasizes body, mind and spirit, new officers are assigned "mentors", experienced staff that exemplify the modern professional correctional officer. Our belief is that, just as with inmates, if we do not seek to orientate them to our ethos of striving for excellence, they will soon enough be indoctrinated by our less inspired officers to an informal system of, at best, mediocrity. New officers meet with mentors on a monthly basis for the first six months of employment. After the initial six months, the mentor will then meet and check with their protégé every other month for the length of their first year of work. Our facility has a Direct Supervision/Unit Management mode of supervision, which, as I am sure you are aware, emphasizes interpersonal and communication skills for officers rather than physical force. I am sure that the Commission is aware of the benefits of Direct Supervision/Unit Management, and if

you are not, the National Institute of Corrections in Longmont, Colorado is a good resource on this subject.

New officers (all officers for that matter) have a "Best Correctional Practices" manual at each officer's station detailing how to handle their post and situations they might face. This manual was written by 64 of our newly promoted corporals.

After that, we, again by contract, have 55 hours of mandatory training for officers per year, much of which is accomplished in 26 bi-weekly one hour trainings that cover the whole gamut of our operations, not just those aspects that officers see as directly involving them. One example of the kind of creativity we put into these trainings is when we had former inmates who'd "made it" successfully on the outside, come back and speak to staff about how they continued a process began in the institution in successful community re-entry. The purpose of this training was to combat the phenomenon that officers often only get to see the failures, inmates who recidivate and return. We felt they needed to see and hear from some of the majority who don't return.

To foster and encourage professionalism in our staff, we have also instituted written exams for employment (involving multiple choice answers to video correctional scenarios) and for promotion.

I really don't know how an administrator could hope to oversee the troops and expect them to be accountable unless he had a "walking and talking" leadership style. I, as Sheriff, and thus Chief Executive Officer, if you will, of my institution, make regularly scheduled, pre-announced visits to living units where any inmate can meet privately with me to discuss grievances, concerns, requests whatever. I also do the same with line staff, whereby I regularly schedule appointments to meet privately with staff to discuss their career at the facility.

It is also frankly a fact that we have 24 hour digital video camera surveillance throughout the institution. Even with all the very human efforts that we can make, we should utilize modern technology in this very difficult business of corrections to have a video observation of conduct within the institution. As regards every forced inmate move, part of the special operations move team is a videographer who is expected to record every moment of the move in its entirety.

We also have an Inmate Grievance Procedure, carefully detailed to staff in policy and procedure and pro-actively communicated to inmates in their handbook. This is not an inmate protection in name only, but one that is written and observed, avoiding disregard and loopholes. If inmates want to make the case that they are being abused by staff, there should be a policy and procedure that treats such grievances with neither fear nor favor, seeking neither to give credence to unfounded claims or to sweep under the rug that which should be legitimately and objectively heard.

I should at this time say that we have a very simple policy of longstanding at our institution that assists, we believe, tremendously in preventing inmate on inmate violence, and which is certainly replicable at any correctional institution in the land: We do not allow inmates to be in other inmate's cells, no exceptions. Only inmates who reside in a cell can be in the cell, at

any time. Being in another inmate's cell is a major violation of disciplinary rules, treated accordingly. We cannot help but believe that this cuts down on inmate on inmate violence.

Finally, we are believers in, and practitioners of, utilizing the standards of the American Correctional Association and of the Code of Massachusetts Regulations in our daily practice. Adherence to, and auditing of, these standards help assure safety and fight unprofessionalism.

What has hopefully come forth in this paper is that an institution that has dedicated itself to the respect and humanity of all within its fences, inmates or staff, and which strives to infuse and implement daily organizational practice with that dedication can indeed greater serve the common good.

I look forward to broadening and deepening a discussion of these principles and implementations at our upcoming hearing.

Thank you for the opportunity and challenge to pursue excellence in the very difficult and very vital field of corrections.