

Please note: Dr. Stohr submitted this written statement to the Commission in lieu of testifying in person.

Lessons in Corrections: A Report Submitted to the Commission on Safety and Abuse, Public Hearing 3

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Introduction

First of all, I want to thank the Commission for allowing me to submit these written materials for their consideration in Public Hearing 3. It is an oft-cited truism that correctional institutions are largely ignored, and that work in them is considered ignoble. Therefore, the willingness of the Vera Institute and the Commission to turn their attention to these matters is both a courageous decision and of great import for the continuation of our democracy, for we cannot have a democratic system when cruelty is at its core. In my commentary here I will intersperse both practical and research experiences, along with others' scholarship, as they are relevant to the discussion of correctional work, the prevention of cruelty, and the promise of reform.

We are now well past the 200 year mark for the creation of what some regard as the first American prison – the re-structuring of the Walnut Street Jail in 1790 in Philadelphia Pennsylvania. Since the creation of our first prisons, during the very infancy of our democracy, we have faced the need to reform them (Rothman 1980). Though tempered by the lessons of the past in such efforts, real change in the operation of prisons has occurred because people, like yourselves, have taken the time to exert themselves.

In 1983 I was hired to work as a correctional officer in a restricted minimum custody adult male prison (I will call it Northwest Prison here) in the state of Washington. I was

the second woman hired at this prison; the first woman, a niece of one of the sergeants, was hired only a month before me. I was twenty-five and newly graduated from college with degrees in Criminal Justice and Political Science. A few days before I was to start at this job I called the prison to tell them I was not coming; after some discussion with the Captain, I admitted that I was chickening out. Most of what I thought I knew about prisons then derived from pop culture (movies and books) and/or academic writings, and these tended to depict maximum security prisons where corruption was the norm for prison operation and staff and inmates vied for the title of brute. Though most maximum security prisons do not conform to this stereotype, and certainly this restricted minimum security prison did not, everything I had learned up until then was this stereotype propagated by the media and academics. Luckily, the captain put me in touch with a male sergeant, Cal Marsh, and that other female correctional officer, Leslie. Together they convinced me that working at the Northwest prison was many things, but it was not overly corrupt and brutality was far from the norm for staff or inmates. After working at this prison for a while, I found both these statements to be largely true. Though I witnessed some instances of both corruption and brutality, generally at the Northwest prison such behavior was confined to a few people – staff and inmates – and for the most part their behavior was not allowed to continue unchecked.

My job as correctional officer, and then as a classification counselor, at the Northwest prison lasted for almost three years. Other than providing fodder for class discussion in the form of “war stories,” the jobs at Northwest prison sparked a life long interest in, and study of, prisons and jails and of those who reside and work in them.

What I Learned In Prison

The following points sum up what I learned in prison:

1. Most prisons are not like those maximum security institutions depicted in movies and books.
2. Most staff are well intentioned and have no interest in engaging in corruption or brutality.
3. Some few staff are interested in engaging in corruption and brutality.
4. Training was inadequate to prepare staff to do their work well.
5. Leadership can make all the difference.
6. Whistleblowers are often persecuted.

1. Most prisons are not like those maximum security institutions depicted in movies.

Shawshank Redemption, *Brubaker*, *Escape from Alcatraz*, are all films about desperate men living in maximum-security prison subcultures and the often thug-like guards/turnkeys/screws that bully them. Yet the truth of the matter is, most maximum-security prisons these days are not like these movie prisons and most prisons are not maximum security (O'Sullivan 2001). To the contrary maximum-security prisons are the exception, rather than the rule among American prisons. According to the latest census of state and federal prisons, in the year 2000 (and these figures were unchanged from the 1995 census), just *one-fifth* of the prisons in this country have a maximum-security designation (Bureau of Justice Statistics 2003). By comparison, almost one-half of the prisons are minimum or low security and one-third are classified as medium security.

Academic writings also tend to showcase the maximum-security experience (e.g. Faulkner and Faulkner 2006; Henningsen, Johnson and Wells 2006; Hensley, Tewksbury and Wright 2006; Ireland and Ireland 2006; Jacobs 1977; Lombardo 1989; McCorkle 2005; Toch 1977). This focus on the maximum security prison by scholars is understandable for several reasons: such prisons were much more predominant in the past; they tend to have greater concentrations of violence and deviance than medium and minimum security prisons, thus making them more interesting to researchers, and; because of our folkloric conception of prisons, they tend to epitomize what a prison is in terms of subculture and operation.

Yet, the growth in prison populations and institutions has been at the lower end of security in the last thirty years. The focus in construction has been on these lower security institutions because most inmates do not fit the classification for “max” confinement; they are not violent or likely to be violent while incarcerated.

So both Hollywood and academics might be forgiven, for different reasons, for focusing on the most violent and predatory correctional institutions or maxes. However, the point here is that these institutions with their concentrations of violent and predatory inmates and their staff who may be working there only until they can get a transfer, are not necessarily representative of the incarceration of men in this country, let alone women. Therefore, as the Commission considers the correctional role, the context for that role should be the minimum or medium security prison.

2. Most staff are well intentioned and have no interest in engaging in corruption or brutality AND 3. Some few staff are interested in engaging in corruption and brutality.

It was my experience in working in an adult male restricted minimum custody prison, that most staff were interested in a steady pay check, doing their job well and going home at night. As Lombardo (1989) indicates about the staff he studied, the correctional officers I worked with tended to have a high school diploma, with some college, who came to corrections because it provided steady work. Some were displaced workers from factories that had closed or liked the benefits package the state could provide. Some were interested in promoting up the ranks and making corrections their career, even if that was not their original intention. None of them, with three possible exceptions, engaged in the exploitation of inmates or other corrupt activities.

4. Training is often inadequate to prepare staff to do their work well.

I never received any formal training for my work as a correctional officer. For one week I followed a sergeant around and he explained how he did the job, but I never was sent to the two-week academy for correctional officers that was then offered. The reason I was given for this omission was that the state tended to wait until people had passed their one-year probationary period before they were sent to the academy, just to make sure all of that money spent on training was not wasted. This, of course, was a reasonable explanation, but it does mean that the state placed untrained and young officers in charge of inmates on a regular basis. The stress this caused for those staff members and the people they worked with, is really incalculable. My sense is that this practice, of

forestalling academy training until after probation is completed, is still standard practice in some states.

5. Leadership can make all the difference.

The warden and a few of the people who worked for him were not interested in providing the kind of environment where staff could grow as workers or where inmates could learn from their mistakes. Rather, the focus of his leadership was on control and security and distrust. Unfortunately, as there was negative leadership at the top, this permeated through the ranks, hampering the ability of staff to do their job in a professional way and increasing their stress levels as they wondered what the warden and a few of his minions would do next. Eventually, this warden, after I had left for graduate school, was removed. But I do wonder what that prison work would have been like with a warden who had a more progressive worldview of corrections.

6. Whistleblowers are often persecuted.

It was very difficult to report malfeasance in the state or the Northwest prison because the whistleblower system was ineffective and not anonymous.

What I Learned in School (from Research)

The following points can sum up what I learned from the scholarly research:

1. Some prisons are more likely to promote professionalism than others.
2. Most staff are well intentioned and have no interest in engaging in corruption or brutality.

3. Training can be used to prevent or eliminate a number of organizational maladies.
4. Pay is often inadequate to attract and keep the best workers.
5. Enforcing ethical practices in an organization is likely to prevent problems.
6. Protecting whistleblowers is more likely to lead to ethical practices.
7. Opening up the prison to review by outsiders, as much as that is possible, is more likely to lead to ethical practices.
8. As much as is possible, female officers should supervise female inmates in their housing units.
9. Leadership can make all the difference.

1. Some prisons are more likely to promote professionalism than others.

As I have read about, visited and studied a number of different prisons and jails over the years, one theme becomes abundantly clear: ALL CORRECTIONAL INSTITUTIONS ARE NOT CREATED EQUALLY. The extent to which staff and inmates are relatively adjusted, even dare I say it – happy – varies wildly and is usually based on the other items in this list (i.e. training, pay, leadership, enforcement of ethical practices). But first and foremost, it is based on whether a certain environment, what Johnson (2002: 13) terms a “decent prison,” has been created. A *decent prison* is one where the amount of violence in the institution is kept to a minimum and where inmates are given the opportunity to learn and develop, to *maturely cope* as Johnson (2002) terms it. Maturely coping means an inmate learns to deal with his/her problems using resources available, refusing to use violence or deceit except in self-defense and developing positive relationships with others. In such prisons inmates are more satisfied and less

preoccupied with deviance. In such prisons the role of the officer shifts from a primary focus on enforcer of rules to facilitator of change.

2. Most staff are well intentioned and have no interest in engaging in corruption or brutality.

The “hack” or “thug” as officer is really quite rare in modern American corrections (Johnson 2002). When they do exist, however, they are more likely to work in maximum-security institutions. This is true because newer staff, who don’t have enough training or experience to avoid violent encounters, might be sent to work at the max before they have the chance to bid on a better post (Conover 2001). Or those staff who enjoy engaging in physical altercations may request work at the max. Or inmates who are sent to the maximum-security prison are those who are there because of a violent offense and/or, more likely, because they have behavior problems while in prison. In other words, maximum-security prisons at times present the perfect admixture for violence by both staff and inmates. But remember, most American prisons are not maximum-security prisons.

It is also likely that “hacks” are more prevalent in prisons where there is little oversight of staff conduct and little or no training. In a study we did on six prisons and jails in a western state we found that generally staff chose items on our questionnaire that are associated with a “human service” role far more often than those associated with the “hack” role (Hemmens and Stohr 2000). The human service role, as defined by Johnson (2002: 242-246) is the correctional officer who, as part of their job, regularly provides “goods and services,” “referrals and advocacy” and assists in “inmate adjustment.” We

found that staff in all facilities were more “human service” inclined than not, but that the maximum security prison staff were less so than those working in the minimum security male prison, the women’s prison, or any of the jail settings.

My experience in corrections in the early to mid 1980s is that staff engaged in these aspects of their human service correctional role, as much or more than in rule enforcement or coercion or as hacks. Those inmates who had found a “niche” or something to proactively engage their time, such as school or work or lifting weights or playing baseball or art or reading, were much less likely to pursue a penchant for deviant behavior. Not surprisingly, staff who encountered these inmates who were maturely coping and who had found a niche or two, were presented with fewer management problems and the concomitant reduced stress of the work.

3. Training can be used to prevent or eliminate a number of organizational maladies AND 4. Pay is often inadequate to attract and keep the best workers.

As I mentioned earlier, I never received formal training in how to behave as a correctional officer because it was the policy at that time not to offer such as thing until the probationer had been on the job for a year (I worked there for eight months as an officer and was then promoted to a counselor position). In those eight months there were all kinds of incidents that I probably handled badly or ineffectively, and that exposure to some training might have improved. If I had been sent to training, however, it would have lasted for only two weeks (80 hours) and so may not have had as much effect as one might expect vis a vis job behavior.

The very hallmark of a professional is the education, pay and training required for that work. Correctional officers have very little of any of these attributes of a “profession.” The vast majority of correctional officer positions require no education beyond a high school diploma or a GED, the pay is low relative to other “professional level” jobs such as policing, teaching and social work. According to the Bureau of Labor Statistics (2004) the median pay for correctional officers in jails and prisons was about \$32,000 in 2002. The average range of pay was approximately \$25,000 to \$42,000 and the lowest pay was \$22,000 and the highest was \$52,370. There was some variation in pay depending on the level of government. The median pay for federal correctional officers was \$40,000, for states it was \$33,000 and for localities it was \$31,000. Private sector employment for correctional officers paid much less with a median salary of \$21,000. Starting salaries for these positions ranged in the low \$20,000s with federal correctional officers starting at \$23,000. The Bureau of Labor Statistics (2004) also reports that the median salaries for first-line supervisors and managers in corrections was \$44,000 in 2002.

Training for correctional staff also lags behind other professions as well. In a survey published in Corrections Compendium (2003 -- American Correctional Association), the researchers found that 31 of the reporting United States agencies required at least 200 hours of pre-service training for those destined to work in a correctional institution. Compare this to the 400 to 600 hours that are typically required in policing.

If true reform is to occur in corrections, then the officer role must be professionalized and these three aspects of a profession -- education, pay and training -- must be addressed. Just as a side note, in Idaho the pay is so low for correctional staff that turnover sometimes runs at 20 percent as officers drive to Oregon for higher pay or

choose other “professions.” Many times the people who leave are those with the most experience and who have completed the academy training. As I told my class recently when we were discussing this topic, it is expensive to be so stupid (and I was not referring to the correctional officers who were literally voting with their feet!).

5. Enforcing ethical practices in an organization is likely to prevent problems.

Correctional staff tend to know what is ethical practice these days, they just don't always do it (Stohr, Hemmens, Kifer and Schoeler 2000). Departments of corrections and their training tend to focus on rules and procedures. To engage in illegal, and often unethical, behavior is formally prohibited by institutions (Johnson 2002). But since ethical behavior, such as treating people with respect, is not always enforced (or rewarded) in a correctional institution, staff are often left to use their unchecked discretion in many instances. When dealing with powerless people in a stressful job with little oversight and meager pay, some officers might be more than tempted to engage in unethical practices. The remedy is to address the pay and oversight, of course, but also to encourage ethical practices by hiring, training and promoting based on preferred ethical practices.

6. Protecting whistleblowers is more likely to lead to ethical practices.

People who witness illegal or unethical behavior by their colleagues or supervisors need some form of protection before they can be expected to report such behavior. Currently many states and the federal government have such programs, but they are not always effective. Particularly in the closed environment of the prison, where behavior is

often hidden and the powerful (staff) supervise the powerless (inmates), whistleblower protection is critical to the development and maintenance of a decent prison.

7. Opening up the prison to review by outsiders, as much as that is possible, is more likely to lead to ethical practices.

Prisons and jails are very reluctant to allow outsiders to review their practices. Before inmates were given more access to the courts, and when the courts took a more “hands off” approach to corrections, corruption and abuse flourished in American prisons. Now inmates are allowed limited access to attorneys, should they be able to afford them. Researchers are also allowed into the inner sanctum to investigate prison and jail operations, however it is the rare prison, that allows regular and structured access to, or review of, their operation. Accreditation is relatively rare still and voluntary for most institutions. As of 2004, most correctional agencies in this country were not accredited (see the American Correctional Association website at www.aca.org). The reasons typically cited for failure to seek accreditation include: cost, time and the concern that the agency could not meet the acceptable standards of professional operation. Moreover, offender advocate groups are rarely given access to officials and the public, and often the press, are oblivious about what occurs in the friendly neighborhood prison(s).

But there is all manner of evidence that public (and private) institutions that are opened up for outside review are less likely to have staff who engage in illicit behaviors. Therefore, one major reform I would ask the Commission to consider is to encourage institutions to engage in accreditation processes and to develop some form of citizen review of correctional practices. Both suggestions are controversial, but if done correctly

they are likely to lead to a reduction in problematic behavior in corrections and an enhanced positive attention to them. They might also be used as a springboard for garnering more resources, reforming sentencing laws and improving programs in prisons.

8. As much as is possible, female inmates in their housing units should be supervised by female officers.

There have been a number of infamous cases of sexual abuse of female inmates by male officers (Pollock 2002). For this reason, and because a high percentage of female inmates were physically or sexually abused prior to incarceration and might be re-traumatized by intimate contact with male officers (e.g. body searches, shower observations, etc.), female officers should be primary supervisors of female inmates in their living units.

9. Leadership can make all the difference.

A correctional leader is faced with daunting challenges in today's environment. Staffing a prison when funding is low, housing inmates when populations are high and promoting progressive change when cynicism abounds, makes the job almost impossible. But clearly some correctional managers are up to the task (Stojkovic and Farkas 2003). Correctional leaders are accountable for what happens in the facilities they have responsibility for, and they often have a diverse stewardship role that spans the breadth of the organization or organizations. Some of the more typical responsibilities of this role include:

- community relations
- internal communications
- maintenance of professional standards
- conflict resolution
- control of violence and deviance
- human resource management
- training management
- collective bargaining
- inmate and client management
- planning, policy implementation and budget oversight
- culture creation and maintenance
- employee empowerment and team building
- change agent

Even the leader who does everything right on this list cannot meet the multifaceted challenges faced by correctional institutions alone. Correctional populations must be reduced via sentencing reforms (Vera Institute of Justice 2006), which is something that state legislatures and governors need to address. Other funding issues are also the purview of the state legislature and the governors' offices: Namely, staff must be compensated at a level that allows them to live a "decent life," and institutions must be funded at a level that allows inmates to maturely cope and find a niche in a "decent

prison.” But even if these funding issues are not adequately addressed, it is clear that the leadership style and stance can make a huge difference in the operation of a prison.

Conclusions

In sum, we know a great deal about correctional operation these days, but we tend to assume, falsely, that the maximum-security prison environment and culture is the norm for both staff and inmates. This misconception can lead to the belief that most prisons are fraught with violence and corruption, that many staff are hacks and that all inmates are prone to brutality and manipulative behaviors. Though even most maximum-security institutions, and the staff and inmates in them, do not conform to this stereotype it is even less likely to be true for the minimum or medium security prison and those who live and work in them.

Having said this, prisons, at any security level, can be depressing institutions for both staff and inmates. All about are the ruined lives of the inmates and the stories of those they traumatized as victims. Staff are demoralized by their work, its nonprofessional status and the low regard with which it is held in the community.

Based on my experience as a correctional officer and then a counselor in a restricted minimum-security prison, and exposure to the work of other scholars in this area, I have offered some areas to consider for reform. It is my hope that included herein might be some remedies the Commission might consider as it grapples with one of the most troubling institutions of our time: the American prison.

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Commission on Safety and Abuse in American Prisons: reduce the culture of violence. 1) improve staffing levels, hiring, and training 2) provide independent oversight for complaints and investigations of misconduct 3) create a national database of violent incidents and misconduct 4) Increase access to the courts by repealing or amending the prison litigation reform act 5) Increase the level of criminal prosecution of wrongdoers (perhaps using federal prosecutions) 6) strengthen professional standards. How admin and supervisors should treat employees: Wright. An approach to corrections that depends on care and whole sight or looking at what needs to be done with both the heart and the head. restorative justice programs. Serve as a precedent Base something on a precedent Set a precedent Follow the precedent Cite a precedent Precedent for the decision Find a precedent Exercise 8. Listen to the text "The doctrine of judicial precedent" and answer the following questions. 1. How was law administered before 1066 2. What happened when the Norman kings ruled the country 3. What made uniform application of the law possible 4. What does the doctrine of precedent mean 5. What is a declaratory precedent 6. What is an original precedent 7. What influenced the development of precedent 8. What is a binding precedent 9. What

Final report of the governor's commission on youth, public safety and justice. Recommendations for Juvenile Justice Reform in New York State. The Honorable Andrew M. Cuomo Governor of the State of New York The Capitol Albany, NY. Dear Governor Cuomo: By Executive Order 131 on April 9, 2014, you appointed the Commission on Youth, Public Safety, & Justice and ordered the Commission to (a) develop a plan to raise the age of juvenile jurisdiction, and (b) make other recommendations as to how New York's justice systems can improve outcomes for youth while promoting community safety. Unsafe practices are any actions that could jeopardise the safety or wellbeing of an individual or cause them harm or injury. If it is more serious, or still not dealt with to my satisfaction, I would whistle-blow and go straight to the local authority, CQC or the Police. A good example is when I witnessed a member of staff encouraging a client to hug her and kiss her on the cheek on multiple occasions. Although I was fairly certain there was nothing sinister in her motives and there was no abuse, I felt it was unprofessional and crossed the staff-client boundary. I spoke about my concerns to my manager (with another manager present to act as witness) and was thanked for bringing it to their attention and assured the "Sexual abuse is not an inevitable feature of incarceration. Leadership matters because corrections administrators can create a culture within facilities that promotes safety instead of one that tolerates abuse." National Prison Rape Elimination Commission. How PREA will affect corrections in 2015 (2014). "The subject of prison rape is no longer being avoided." Push to End Prison Rapes Loses Earlier Momentum (2015). "After decades of societal indifference to prison rape, Congress, in a rare show of support for inmates' rights, unanimously passed the Prison Rape