

# NEWS RELEASE

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## **NATIONAL COMMISSION TO EXAMINE U.S. PRISON CONDITIONS** ***Post-Abu Ghraib, panel to study U.S. prisons and their impact on prisoners, corrections officers and society at large***

**New York, NY** – Today marks the launch of the Commission on Safety and Abuse in America's Prisons, a national panel that will work for one year to explore the most serious problems inside U.S. correctional facilities and their impact on the incarcerated, the people who guard them and society at large.

The panel is co-chaired by former United States Attorney General Nicholas de B. Katzenbach, who was appointed by President Johnson, and the Honorable John J. Gibbons, former Chief Judge of the Third Circuit Court of Appeals, who was appointed by President Nixon. The 21-member, nonpartisan panel includes other respected civic leaders with experience in the administration of justice and law enforcement, seasoned corrections professionals, advocates for the rights of prisoners, former prisoners, and members of the religious community.

“The United States correctional system costs more than 60 billion dollars annually. This year, an estimated 13.5 million people will spend time in prison or jail, and, on any given day, 750,000 men and women work in correctional facilities,” said Katzenbach. “Despite these numbers and some compelling evidence of abuse and safety failures inside prisons and jails, there is little public knowledge about the nature and extent of the problems and how to solve them. Instead, we seem to have a gap between our cherished ideals about justice and the realities of the prison environment.”

“The time is right for this Commission,” said Gibbons. “There is strong bi-partisan support for a more effective and humane approach to corrections. Recent federal legislation aimed at eliminating rape in prison is one important example, and there's increasing activity at the state level. We have an unusual opportunity to change our prisons and jails so they come closer to reflecting America's values and serving our best interests.”

The Commission will explore the most serious problems inside correctional facilities today: violence, sexual abuse, degradation, severe overcrowding, inhumane treatment for the mentally-ill, and insufficient support for the men and women who staff facilities. Over the course of a

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year, the Commission will hold four public hearings, with the first in Tampa, Florida, on April 19 and 20. Following a thorough examination of the issues, the Commission will produce a report including practical recommendations that local, state, and federal policy makers can act on. The Commission also intends to encourage, support and build on related efforts that will outlive it and sustain both the dialogue and the reform process.

The Commission is staffed by and funded through the Vera Institute of Justice, a nonprofit organization that has worked closely with leaders in government and civil society for more than 40 years to improve the administration of justice.

For more information about the Commission and its members, visit [www.prisoncommission.org](http://www.prisoncommission.org).

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## Commission on Safety and Abuse in America's Prisons – Mission Statement

As President Bush was calling the abuse at Abu Ghraib “un-American,” many Americans raised similar questions about the mistreatment of prisoners here at home and what could be done to prevent abuse. For a year, beginning in March 2005, the Commission on Safety and Abuse in America's Prisons will attempt to answer those questions and others.

Specifically, the Commission will examine the nature and extent of violence, sexual abuse, degradation, and other serious safety failures and abuses in American prisons and jails. Equally important, the Commission will explore the consequences of unsafe and abusive correctional environments for prisoners, corrections officers, and the families and communities to which they return – whether at the end of each work day, or upon release from a period of incarceration.

The time is right for the Commission on Safety and Abuse in America's Prisons: on any given day 2.2 million people are incarcerated in the United States, and over the course of a year, an estimated 13.5 million Americans are confined in prison or jail for some period of time. Another 750,000 men and women spend their days and nights working in correctional facilities. Despite their numbers, they are largely invisible to us. At this moment, the effectiveness and morality of America's approach to corrections has the attention of policy makers at all levels of government and in both political parties. Now is the right time for a national dialogue about the most serious problems of life behind bars and for constructive recommendations for reform.

Grounded in knowledge about the problems and their consequences for both inmates and officers, the Commission will recommend strategies for operating correctional facilities that more closely reflect America's values and serve our best interests.

This non-partisan Commission is co-chaired by former United States Attorney General Nicholas de B. Katzenbach and the Honorable John Gibbons, former Chief Judge of the Third Circuit Court of Appeals. The members include a former Chief U.S. District Judge and other respected civic leaders with experience in the administration of justice and law enforcement; seasoned corrections professionals; advocates for the rights of prisoners; former prisoners; and members of the religious community. The Commission is staffed by and funded through the Vera Institute of Justice, a nonprofit organization that has worked closely with leaders in government and civil society for more than 40 years to solve some of the toughest social problems and to make the administration of justice more effective, fair, and humane.

For more information, please contact the Commission's Executive Director, Alex Busansky (202.907.6099; [abusansky@vera.org](mailto:abusansky@vera.org)) or the Communications Director, Jennifer Trone (212.376.3155; [jtrone@vera.org](mailto:jtrone@vera.org)).

## Frequently Asked Questions about the Commission

### **What is the Commission on Safety and Abuse in America's Prisons?**

The Commission is a national effort to clarify the nature and extent of violence, sexual abuse, degradation, and other serious safety failures and abuses in prisons and jails throughout the United States, and also the consequences for prisoners, corrections officers, and the public at large. The Commission formed in February 2005. After a year of inquiry and open hearings, it will offer recommendations for operating safer and more humane correctional institutions.

### **What does the Commission hope to achieve?**

The Commission has three ambitions: 1) to spark and inform broad public dialogue on safety and abuse in America's prisons and the consequences for prisoners, corrections officers, and all of American society; 2) to produce practical recommendations that local, state, and federal policy makers can act on to solve some of the most serious problems in America's prisons and jails; and 3) to encourage and support related efforts that will outlive the Commission and sustain both the dialogue and the reform process.

### **Why mount such an effort now?**

On any given day, 2.2 million people are incarcerated in the United States, and over the course of a year, an estimated 13.5 million individuals spend time in prison or jail. 750,000 men and women work inside prisons and jails. The annual cost of corrections: more 60 billion dollars. Despite these numbers and compelling evidence of serious abuse and safety failures inside prisons and jails, there is little public knowledge about the nature and extent of the problems and how to solve them. Perhaps most important, there is strong bi-partisan support at all levels of government today for finding a new approach to corrections that is more effective and more closely reflects America's highest values.

### **Who are the members of the Commission?**

This nonpartisan body is co-chaired by former United States Attorney General Nicholas de B. Katzenbach, who was appointed by President Johnson; and the Honorable John J. Gibbons, former Chief Judge of the Third Circuit Court of Appeals, who was appointed by President Nixon. The members include a former Chief U.S. District Judge and other respected civic leaders with experience in the administration of justice and law enforcement; seasoned corrections professionals; advocates for the rights of prisoners and also former prisoners; and members of the religious community.

### **What specific issues is the Commission addressing?**

The commission is exploring several problems, including:

- Violence and sexual abuse
- Injuries, substance abuse, physical and mental illness, suicide, and domestic violence among corrections officers
- Use of restraint chairs, prolonged isolation, and other extreme forms of control, especially with mentally ill prisoners

- Severe overcrowding and its consequences
- Deliberate humiliation and degradation
- Insufficient training and support for corrections officers
- Lack of meaningful oversight and uniform standards
- Pressures on corrections officers who are returning home after serving on reserve duty in Iraq or Afghanistan.

The Commission is also looking for model practices and examining how better training, standards, policies, and oversight can prevent abuse and promote safety.

### **What is the evidence of abuse and safety failures inside America's prisons?**

Consider the following:

- At least 11 inmates died in restraint chairs in the 1990's, as the prison population grew and facilities became more crowded and harder to manage. Michael Valent, a mentally ill Utah man, died from blood clots that formed as a result of being strapped naked to a restraint chair for 16 hours.
- In one year alone (1999-2000), there were 17,952 reported assaults against prison staff by inmates, and five staff died as a result of those violent encounters. This represents a 27 percent increase over the number of assaults that took place over the same period five years earlier. And these numbers do not capture assaults against officers and others who work in the nation's jails.
- Although hard research is lacking, (because corrections officers are much less studied than police officers) there is evidence that corrections officers suffer reduced life expectancy, higher divorce rates, and greater rates of alcoholism than other law enforcement officers. And corrections officers are three time more likely to commit suicide than to be killed on the job.
- Two correctional officers at California's Pelican Bay State Prison were recently convicted of assaulting inmates, and shortly thereafter a special court master reported that the officers' union shuns whistle blowers, supports rogue officers, and enforces a code of silence designed to cover up wrong doing. In Colorado, a gang of correctional officers at a federal prison who called themselves the Cowboys routinely beat, abused, and otherwise intimidated inmates for punishment and entertainment. They too covered up their actions and intimidated other officers into lying about what they had seen until they were prosecuted in 2003.
- Federal Judge Myron Thompson described a women's prison in Alabama as "a time bomb ready to explode." In August 2004, 1,200 inmates were housed in an aging facility built for 365, placing the women at "real and substantial risk of injury, prolonged illness, and premature death."
- Over the last three years in the relatively tiny Bureau of Indian Affairs jail system, which houses just 2,000 people, more than 200 inmates attempted suicide, 11 died, and more than 600 escaped.
- In one year alone (1999-2000), there were 34,355 assaults by state and federal prisoners *against other inmates*, and 51 prisoners died as a result of those violent

actions. This represents a 32 percent increase over the number of assaults that took place over the same period five years earlier. And these numbers do not capture assaults against officers and others who work in the nation's jails.

- According to the 2003 Prison Rape Elimination Act, more than a million people have been sexually assaulted in prisons over the past 20 years. The Act also describes the devastating effects of sexual assault in this context: an increase in other types of violence, including murder, involving inmates and staff; and long-lasting trauma that makes it even more difficult for people to succeed in the community after release.
- Charles Graner, the eight-year veteran of Pennsylvania's corrections system who was convicted of playing a central role in the Abu Ghraib abuses was quoted as saying, "The Christian in me says it's wrong, but the corrections officer in me says, 'I love to make a grown man piss himself.'"

### **What kind of oversight mechanisms and professional standards exist?**

Only three states (New York, Pennsylvania, and Illinois) have independent, nongovernmental organizations that routinely monitor and report on prison conditions, and none of them have authority to regulate conditions or impose changes. While an Inspector General monitors all federal prisons, few state and local governments have oversight mechanisms that focus specifically on prisons and jails, and courts have less authority to monitor troubled facilities as a result of the 1996 Prisoner Litigation Reform Act (PLRA). Each year the U.S. Department of Justice investigates potential civil rights cases, but a relatively small number. There are no national standards that prisons and jails are required to follow. The American Correctional Association, a private trade organization, maintains the most comprehensive set of suggested standards and also runs a voluntary accreditation program for prisons and jails.

### **How is the Commission carrying out its work?**

The inquiry draws on existing information (judicial opinions, investigative reports, consent decrees, laws and policies, social science research, legislative testimony, and the opinions of experts in the field) and original evidence, especially witness testimony. The Commission is holding four public hearings over the course of the year. The first hearing is in Tampa, Florida, on April 19<sup>th</sup> and 20<sup>th</sup>. The subsequent hearings are likely to occur in July and October of this year, and in January 2006 in different cities around the country. Each hearing focuses on a particular topic or set of topics. Following the hearing, the staff publishes a report capturing key information the Commission considered prior to the hearing as well as witness testimony and questioning during the hearing. In addition, a transcript of the entire hearing is available. In between hearings, the Commission considers particular issues in greater detail, and members and staff visit prisons and jails around the country to observe conditions and speak with prisoners and corrections officers. Accounts of those observations and portions of those interviews are also available. The Commission plans to issue its report and recommendations in early 2006. All of these activities and products are captured on the Commission's web site, [www.prisoncommission.org](http://www.prisoncommission.org).

**How is the Commission staffed and who is supporting this effort?**

The Commission is staffed by the Vera Institute of Justice, a nonprofit organization based in New York City that has worked closely with leaders in government and civil society for more than 40 years to improve the administration of justice. Support for the Commission comes from private foundations and through pro bono legal and in-kind support provided by major law firms.

**Has such an effort ever before been undertaken?**

It has been more than three decades since the 43 deaths of inmates and corrections officers at New York's Attica prison prompted a national inquiry about life behind bars. Although the scope of the McKay Commission was limited to problems in New York, it sparked a re-examination of corrections across the United States and led to several meaningful reforms. Many of those reforms have eroded over the years, while the enormous growth of the prison population and other developments have created a whole new set of problems demanding new solutions. Last year, two states mounted significant formal inquiries that touched on conditions of confinement: Massachusetts formed a commission focused on abuse following the death of former priest John Geoghan, and California formed an independent panel to review all aspects of corrections statewide. Additionally, the American Bar Association's Kennedy Commission looked at conditions of confinement as part of its national review of sentencing policy. This Commission is designed to build on recent work and to stimulate additional efforts to understand the most serious problems behind bars and how to solve them.

## Safety and Abuse in America's Prisons and Jails – The Facts

<b>2.2 million</b>	Number of people incarcerated in the U.S on any given day
<b>13.5 million</b>	Estimated number of people who spend time in prison and jail over the course of a year
<b>95</b>	The percent of those incarcerated who return to the community
<b>4</b>	The factor by which the US prison population has increased over the last 20 years (from approximately 500,000 to more than 2 million)
<b>750,000</b>	The number of American men and women who work inside prisons and jails
<b>\$60 billion</b>	Dollars U.S. tax payers spend annually on corrections
<b>34,355</b>	Recorded number of inmate-on-inmate assaults in state and federal prisons during a one-year period (7/1/99 - 6/30/00)
<b>32</b>	The percentage increase that number represents over the number of assaults that took place over the same period five years earlier (when 25,948 assaults were reported)
<b>51</b>	Number of prisoners who died as a result of those violent actions (7/1/99 - 6/30/00)
<b># unknown</b>	Reliable data regarding violence among inmates in U.S. jails is not available.
<b>5</b>	Number of inmates killed by other inmates in LA County jails between October 2003 and October 2004 [Reported in the <i>LA Times</i> ]
<b>10 to 1</b>	Inmate-to-officer ratio in LA County jails [Ibid]
<b>4.3 to 1</b>	Average inmate-to-officer ratio nationally [Ibid]
<b>3</b>	The factor by which the U.S. prison population increased during the years between 1982 and 1999 [Reported in <i>Governing Magazine</i> ]
<b>1.5</b>	The factor by which the number of corrections officers increased over the same period [Ibid]

<b>17,952</b>	Recorded number of inmate-on-staff staff assaults in state and federal prisons during a one-year period (7/1/99 - 6/30/00)
<b>27</b>	The percent increase that number represents from the same period five years earlier (when 14,165 assaults were reported)
<b>5</b>	The number of staff who died as results of those violent actions (7/1/99 - 6/30/00)
<b># unknown</b>	Reliable data regarding violence by inmates against corrections officers who work in U.S. jails is not available.
<b># unknown</b>	Although hard research is lacking, (because corrections officers are much less studied than police officers) there is some evidence that corrections officers suffer <i>reduced life expectancy, higher divorce rates, and greater rates of alcoholism than other law enforcement officers</i> . And corrections officers are three time more likely to commit suicide than to be killed on the job. [Reported in <i>Corrections Today</i> ]
<b>16</b>	Percent annual turnover among corrections officers – national average [Source: Workforce Associates for the American Correctional Association]
<b>41</b>	Percent annual turnover in Louisiana [Ibid]
<b>72</b>	Percent of corrections administrators who report having difficulty recruiting officers [Ibid]
<b>64</b>	Percent who say they have trouble retaining those they do hire. [Ibid]
<b>500,000</b>	Number of corrections position that will become available in this decade [Ibid]
<b>4 million</b>	Population decrease over the same period in 25- to 44-year-olds, the age group from which most corrections officers are drawn [Ibid]
<b>3</b>	Number of states with independent, nongovernmental organizations that routinely monitor and report on prison conditions (New York, Pennsylvania, and Illinois – and none of them have authority to regulate conditions or impose changes)
<b>0</b>	Number of national standards that prisons and jails are required to follow. The American Correctional Association, a private trade

organization, maintains the most comprehensive set of *suggested standards* and also runs a voluntary accreditation program for prisons and jails.

*The Federal Bureau of Justice Statistics is the source for all data unless otherwise noted.*

## Commission on Safety and Abuse in America's Prisons – Members and Senior Staff

### *Co-Chairs*

**The Hon. John J. Gibbons** is an attorney in private practice who argued the groundbreaking *Rasul v. Bush* case before the United States Supreme Court and was formerly Chief Judge of U.S. Court of Appeals, Third Circuit.

**Nicholas de B. Katzenbach**, an attorney in private practice, was Deputy Attorney General and then Attorney General of the United States (Under Presidents Kennedy and Johnson), and in those roles led the federal governments efforts to desegregate the American south, and later he chaired the 1967 Commission on Crime in the United States.

### *Members*

**Salvador Balcorta** is CEO of Centro de Salud Familiar La Fe in El Paso, Texas; Board Member of the National Council of La Raza; and a nationally respected Chicano activist for social justice.

**Stephen B. Bright** directs the Southern Center for Human Rights in Atlanta, Georgia, which provides representation to prisoners in cases involving claims of cruel and unusual conditions of confinement, and is one of the most well-known advocates for the rights of prisoners.

**Richard G. Dudley, Jr., M.D.**, a psychiatrist in private practice, is frequently called to provide expert testimony in criminal and civil cases around the country about the lasting psychological damage of violence and abuse in prison.

**Charles Fried** is a Professor of Constitutional Law at the Harvard Law School and was formerly an Associate Justice on the Massachusetts Supreme Court (1995-1999) and U.S. Solicitor General (1985 – 1989).

**James Gilligan, M.D.**, a renowned expert on violence and violence prevention, is currently Visiting Professor of Psychiatry and Social Policy at the University of Pennsylvania and was formerly Director of Mental Health for the Massachusetts prison system.

**Saul A. Green**, a Principal and member of Miller Canfield's Minority Business Practice Group, served as U.S. Attorney for the Eastern District of Michigan from 1994 to 2001.

**Ray Krone** spent more than a decade in prison, some of it on death row, before DNA testing cleared his name, and he is the 100th death row inmate to be exonerated since the reinstatement of capital punishment in 1976.

**Mark H. Luttrell** is Sheriff of Shelby County (Memphis), Tennessee, and was formerly the warden at three federal prisons.

**Gary D. Maynard** has worked for more than three decades in the corrections field and is currently Director of the Iowa Department of Corrections and President-Elect of the American Correctional Association.

**Marc H. Morial** is President and CEO of the National Urban League, and a former Mayor of New Orleans and Louisiana State Senator.

**Pat Nolan** is President of Prison Fellowship's Justice Fellowship and a member of the National Prison Rape Elimination Commission, and he is a former Republican leader in the California State Assembly who served 25 months in a federal prison on a racketeering charge.

**Stephen T. Rippe** is Executive Vice President and COO of the Protestant Episcopal Cathedral Foundation and was formerly a Major General in the United States Army.

**Laurie O. Robinson** directs the University of Pennsylvania's Master of Science in Criminology Program and was Assistant Attorney General in charge of the Office of Justice Programs from 1993 to 2000.

**Senator Gloria Romero** is California Senate Majority Leader and Chair of the Senate Select Committee on the California Correctional System, which is currently investigating the state's massive array of youth and adult correctional facilities.

**Timothy Ryan** is Chief of Corrections for Orange County Florida, one of the largest jail systems in the United States; a Past President of the American Jail Association; and a member of the American Correctional Association's Commission on Accreditation.

**Margo Schlanger**, a leading authority on prisons and inmate litigation, is a Professor of Law at Washington University in St. Louis, Missouri, and a former attorney in the Civil Rights Division /Special Litigation Section of the U.S. Department of Justice.

**Frederick A. O. Schwarz, Jr.** is Senior Counsel at Cravath, Swaine & Moore LLP and also at New York University Law School's Brennan Center for Justice and chairs the Board of Trustees for the Vera Institute of Justice.

**The Hon. William Sessions** is a partner in the Washington, D.C. office of Holland & Knight LLP; a former U.S. District Judge in the Western District of Texas; and a former Director of the Federal Bureau of Investigation.

**Hillary O. Shelton** directs the NAACP's Washington Bureau.

### *Senior Staff*

**Alexander Busansky, Executive Director**, is a former prosecutor – working initially in the Manhattan D.A.'s Office and then in the U.S. Justice Department's Civil Rights Division, where he handled cases involving excessive use of force by federal, state, and

local law enforcement and corrections officers. Most recently, he was Counsel to Senate Judiciary Committee Member Russ Feingold (D-WI).

**Jennifer Trone, Communications Director**, was formerly Senior Writer and Editor at Vera Institute of Justice, where she has worked for nearly a decade covering a range of projects and justice issues, including those in the area of sentencing and corrections.

*Longer bios of Commissioners and staff are available at [www.prisoncommission.org](http://www.prisoncommission.org).*