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**NATIONAL COMMISSION OUTLINES CRUCIAL REFORMS TO PREVENT
VIOLENCE AND ABUSE IN U.S. CORRECTIONAL FACILITIES**

**Report Connects Problems Inside Facilities to
Public Safety and Public Health**

Washington, D.C. - Today the Commission on Safety and Abuse in America's Prisons released *Confronting Confinement*, a report on violence and abuse in U.S. jails and prisons, the impact of those problems on public safety and public health, and how correctional facilities nationwide can become safer and more effective. Five members of the Commission will testify before the U.S. Senate Judiciary Subcommittee on Corrections and Rehabilitation about the report's key findings and recommendations (Dirksen Senate Office Building, Room 226, 2:30 p.m. EDT).

A diverse group co-chaired by former U.S. Attorney General Nicholas de B. Katzenbach and John J. Gibbons, former Chief Judge of the U.S. Court of Appeals for the Third Circuit, the Commission concluded that serious problems exist even as it identified promising practices and strong leadership that contradict the notion that violence and abuse are inevitable features of life behind bars in America.

"I hope that Congress and state and local law makers will use this report to spark and guide reforms and that the public will find in these pages evidence of the incredible challenges corrections professionals encounter every day," said Katzenbach.

The report addresses dangerous conditions of confinement – violence, poor health care, and inappropriate segregation – that can also endanger corrections officers and the public; lack of political support for labor and management; weak oversight of correctional facilities; and serious flaws in the available data about violence and abuse. Among 30 practical reforms, the Commission recommends:

- A re-investment in programming for prisoners to prevent violence inside facilities and reduce recidivism after release.
- Changing federal law to extend Medicaid and Medicare reimbursement to correctional facilities and ending prisoner co-pays for medical care, reforms necessary to protect the public health.
- Reducing the use of high-security segregation, which can actually cause violence, and ending the release of prisoners directly from these units to the streets, which contributes to recidivism.

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- Increased investment at state and local levels to recruit, train, and retain skilled, capable workers at all levels.
- Expanding the capacity of the National Institute of Corrections to work with states and localities to create a positive institutional culture in corrections facilities.
- Creating an independent agency in every state to oversee prisons and jails and changing federal law to narrow the scope of the Prison Litigation Reform Act.
- Developing standardized reporting nationwide on violence and abuse behind bars so that corrections officials, lawmakers, and the public can have reliable measures of violence and monitor efforts to make facilities safer.

“For the vast majority of inmates prison is a temporary, not a final, destination. The experiences inmates have in prison – whether violent or redemptive – do not stay within prison walls, but spill over into the rest of society. Federal, state, and local governments must address the problems faced by their respective institutions and develop tangible and attainable solutions,” said Senator Tom Coburn, M.D. (R-OK), Chair of the U.S. Senate Judiciary Subcommittee on Corrections and Rehabilitation. The Subcommittee’s Ranking Member is Senator Richard Durbin (D-IL).

The 20 members of the Commission include Republicans and Democrats, conservatives and liberals, those who run correctional systems and those who litigate on behalf of prisoners, scholars, and individuals with a long history of public service and deep experience in the administration of justice. Beginning in March 2005, the Commission held four public hearings in cities around the country, visited jails and prisons, consulted with current and former corrections officials and a wide range of experts working outside the profession, and conducted a thorough review of available research and data. The Commission is staffed by and funded through the Vera Institute of Justice.

To read a summary of the commission’s findings and recommendations and a brief Q&A about the report, or to access the complete report, go to www.prisoncommission.org/report.

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**COMMISSION ON SAFETY AND ABUSE
in America's Prisons**

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Support for Confronting Confinement

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Senator Tom Coburn, M.D. (R-OK), Chair of the U.S. Senate Judiciary Subcommittee on Corrections and Rehabilitation.

“These are important issues for our constituents. I believe that county officials will find the Commission’s work useful. I was particularly impressed by the Commission’s recommendation for enhanced partnerships between states and local governments to reduce overcrowding in our jails and prisons, the focus on the public health crisis in corrections, and the pressing need to keep the non-violent mentally ill out of jail.”

Donald Murray, Senior Legislative Director, National Association of Counties

“All of our prisons and jails must be places of hope and positive change, not despair and violence: hope for the prisoners, for the people who work in them, and for the safety and health of our communities. The work of the Commission on Safety and Abuse in America’s Prisons goes a long way to addressing why violence, abuse, and hopelessness are features of life in many prisons and jails and offers wise and caring suggestions for a better way of doing things.”

Heather Gonzales, Policy Analyst for the National Association of Evangelicals

“The Commission’s work presents an opportunity for public discussion about issues that Corrections professionals have been working on for years. The Association of State Correctional Administrators pledges to work together with the American Correctional Association, National Sheriff’s Association, American Jail Association, North American Association of Wardens and Superintendents and other vitally interested parties to pursue the safe, stable, disciplined, productive and organized correctional environments promoted by the Vera Commission.”

Association of State Correctional Administrators

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“This is the most important report on conditions in America’s prisons and jails for decades. If the Commission’s recommendations are implemented, prisons will be safer places, and so will the communities to which most prisoners ultimately return.”

Elizabeth Alexander, Executive Director, National Prison Project of the American Civil Liberties Union

“We applaud the Commission’s attention to the treatment of Latino prisoners, the impact of incarceration on our communities, and the need to develop greater understanding of and respect for cultural difference in prisons and jails. The Commission’s humane and public safety-minded recommendations are ones that the Latino community can embrace.”

Janet Murguía, President and CEO, National Council of La Raza

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Commonly Asked Questions About the Commission's Report

Why release a major report on conditions of confinement now?

Most of the problems the report focuses on are not new, and improving the safety and effectiveness of jails and prisons is an old struggle that will continue for some time to come. Yet there is a magic about this moment. For the first time in a long time, people from different perspectives, political and otherwise, are concerned about these issues and committed to reform. And there's public support for reform. But, the public does not have a clear sense of the number of people involved: 750,000 men and women work in corrections; we're incarcerating millions of people every year. Our approach to incarceration is not producing the results we want: three years after release, two thirds of former prisoners are re-arrested and half are re-incarcerated. This compromises public safety, public health and costs money.

What is the main message of the report?

That what happens inside jails and prisons does not stay inside jails and prisons. When people are incarcerated or work in facilities that are unsafe, unhealthy, unproductive, or inhumane, they carry the effects home with them – after release or at the end of a shift. We know how to create safe and productive conditions of confinement. It is the right thing to do. And it is in our own best interests.

What are some of the more surprising findings in the report?

Many readers will be surprised to learn that staffing shortages often force prisons and jails to employ doctors who practice under a license that restricts their work to correctional facilities and therefore could not provide care in the community. The lack of reliable data about violence is striking: Arkansas, North Dakota, and South Dakota reported *zero* assaults among prisoners statewide over the course of a year; there are many prisons across the country that fail to report any assault data; and there is a complete absence of any national measures of excessive use of force by officers. Evidence about the dangers of high-security segregation for prisoners and staff, and for the public when people are released directly from these units, is also surprising since most people believe that segregation reduces violence. And the tiny fraction of jails that are accredited by the American Correctional Association is another surprising fact.

Are the problems described in the report – violence, medical neglect, inappropriate uses of segregation, and others – problems everywhere?

These are the most detrimental conditions of confinement. That doesn't mean, however, that the problems are equally severe everywhere or that some correctional facilities are not safe and healthy.

Is there any good news in the report?

The report is filled with good news. The vast majority of the reforms we recommend are already a reality in at least a few places around the country, so this is partly about expanding good practices.

Which recommendations are the ones upon which reform really hinges?

There are two broad shifts in practice that are truly fundamental. First, we must support the efforts of corrections professionals to create a positive institutional culture in prisons and jails. We've seen institutions become safer when there is mutual respect between officers and prisoners and when prisoners have opportunities to use their time behind bars productively. Generally, people act the way they are treated: If you treat someone like an animal; they will act like an animal. If you treat them with respect, they will show respect in response. Equally important, we must get serious about oversight, which includes creating independent agencies in every state to oversee jails and prisons, report findings to the public, and work collaboratively with corrections to identify and remedy problems early on.

What's the most important thing Congress can do?

Congress can have a big impact on prisoner health and public health by extending Medicaid and Medicare coverage to correctional facilities. Every jail and prison struggles, and often fails, to provide adequate medical and mental health care to prisoners and to prevent the spread of disease. Most prisoners were part of the public health system before they were incarcerated and will be again after they are released. Health care in prisons and jails should be part of the public health system, and the federal government should contribute. There are other things Congress can do – from exploring why there has been so little activity by the Department of Justice to investigate troubled correctional facilities to leading a national effort to collect better data on violence behind bars to using the Federal Bureau of Prisons as a place where new ideas and solutions to problems can be tested.

What should state legislatures do?

There is so much these lawmakers need to do. For example, they must commit to recruiting, training, and retaining a qualified workforce at all levels and to funding meaningful programs for prisoners that promote safety inside and after release. These are two large reforms that depend on action by state and local law makers. They should also end the practice of medical co-payments by prisoners, and guarantee that families can call a loved one in jail and prison for the same price as calling someone in the free world. In states around the country, talking with someone in prison is more expensive than a call to a country half way around the world. States must also work to prevent incarcerating people who are mentally ill while also funding decent mental health care for those who must be incarcerated.

Is this ultimately just about spending more money?

Some of our recommendations require significant investment to be implemented nationally. That up-front investment will result in cost-savings down the road in terms of safe and stable conditions inside prisons and jails, which makes them more efficient to

run; less recidivism after release; and healthier communities. The recommendation to extend Medicaid and Medicare reimbursement to correctional facilities, for example, requires considerable investment by the federal government, but those dollars will conserve public health resources in the long run while also reducing unnecessary illness and suffering. And no one can measure the value of a life saved. A federal judge in California has said that there is one preventable death every six or seven days in the California prison system as a result of inadequate medical care.

What are the no- or low-cost recommendations that would have a big impact?

There are several. For example, to prevent violence we recommend “direct supervision,” where officers and prisoners engage with each other throughout the day, and there is evidence that it costs less than traditional modes of supervision. We also recommend that jails and prisons make a greater effort to warmly welcome families who come to visit their incarcerated loved ones. This requires a change in attitude more than a change in spending. We recommend partnerships between correctional agencies and health care providers in the community. Those partnerships take time and patience to forge, but they are not more expensive and provide a higher level of care inside facilities that also protects the health of surrounding communities.

To download a copy of the Commission’s report, *Confronting Confinement*, go to www.prisoncommission.org/report.

COMMISSION ON SAFETY AND ABUSE in America's Prisons

www.prisoncommission.org

About the Commission

- **The mission:** A year-long, national effort begun on March 1, 2005, to expand public knowledge about the most serious problems inside America's jails and prisons and to recommend practical reforms.
- **The concern:** Complex problems of safety and abuse in jails and prisons have an impact on prisoners, the men and women who work inside facilities and, ultimately, the health and safety of society at large.
- **The approach:** An objective, balanced inquiry that examined the nature and extent of violence and abuse in a way that avoids stereotyping and blaming, promotes dialogue, and offers solutions.
- **The commissioners:** Co-chaired by former United States Attorney General Nicholas de B. Katzenbach and the Honorable John J. Gibbons, former Chief Judge of the U.S. Court of Appeals for the Third Circuit. The Commission combines a diversity of viewpoints and experience in one panel. The 20 members include other respected civic leaders with experience in the administration of justice and law enforcement, veteran corrections professionals, advocates for the rights of prisoners, former prisoners, physicians, scholars, and members of the religious community.
- **The context:** Now is the right time: 1) On any given day, the problems in our nation's correctional facilities affect 3 million people directly (2.2 million inmates; 750,000 staff), and over the course of a year many millions more spend some time in prison or jail. 2) The public spends more than 60 billion dollars annually on corrections. 3) There is compelling evidence of lack of safety and abuse. 4) More than 95 percent of prisoners are eventually released. 5) The Commission fills a gap in the public conversation about incarceration in America: there have been serious discussions about the size of the prisoner population, the costs, and how to sensibly reduce reliance on incarceration. The public and policy makers also are well informed about the perils of reentry and are working to help former prisoners in the weeks and months immediately after release. The Commission's inquiry and report and recommendations are designed to stimulate informed debates about the experience of incarceration and the impact of conditions of confinement on prisoners and staff and on the families and communities to which they return. 6) There is political will, across political parties, for developing a more effective and humane approach to corrections.
- **The scope:** A national, public inquiry featuring four public hearings held in cities across the country, where experts within and outside the corrections profession and former prisoners and their family members testified about the dangers inside correctional facilities, how to better protect prisoners and staff, and how to

operate prisons and jails so that they make a larger contribution to public safety and public health.

- **The four hearings:** 1) Tampa, Florida, April 19-20, 2005: testimony about various manifestations of violence behind bars; 2) Newark, New Jersey, July 19-20, 2005: an examination of severe overcrowding, damaging and dangerous uses of segregation, and inadequate medical and mental health care that puts individual prisoners and staff and the public health at risk; 3) St. Louis, Missouri, November 1-2, 2005: a look at the vast yet misunderstood workforce of corrections officers; 4) Los Angeles, California, February 8-9, 2006: testimony about gang activity behind bars and discussion about how to make U.S. jails and prisons more transparent and accountable to the public through stronger oversight.
- **The staff:** The Commission is staffed by the Vera Institute of Justice, a New York-based nonprofit organization that has worked closely with leaders in government for more than 40 years to improve the administration of justice.
- **The funding:** Support for the Commission is provided by foundation grants and by pro-bono legal assistance and in-kind donations by major law firms.

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Commission Members

Co-Chairs

The Hon. John J. Gibbons – An attorney in private practice who argued the groundbreaking *Rasul v. Bush* case before the U.S. Supreme Court and a former Chief Judge of the U.S. Court of Appeals for the Third Circuit

Nicholas de B. Katzenbach – An attorney in private practice and former Deputy Attorney General and Attorney General of the United States (under Presidents Kennedy and Johnson) who led the federal government's efforts to desegregate the American South and chaired the 1967 Commission on Crime in the United States

Members

Salvador Balcorta – 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 – One of the most well-known advocates in the country for the rights of prisoners and former Director of 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

Richard G. Dudley, Jr., M.D. – A psychiatrist in private practice who 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

James Gilligan, M.D. – A renowned expert on violence and violence prevention who 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 – Senior Counsel and member of Miller Canfield's Minority Business Practice Group and former U.S. Attorney for the Eastern District of Michigan (1994–2001)

Ray Krone – Former prisoner who spent more than a decade behind bars, some of it on death row, before DNA testing cleared his name

Mark H. Luttrell – Sheriff of Shelby County (Memphis), Tennessee, and former Warden at three federal prisons

Gary D. Maynard – Director of the Iowa Department of Corrections and President-Elect of the American Correctional Association

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

Pat Nolan – President of Prison Fellowship’s Justice Fellowship and a member of the National Prison Rape Elimination Commission, and a former Republican leader in the California State Assembly who served 25 months in a federal prison on a racketeering conviction

Stephen T. Rippe – Executive Vice President and COO of the Protestant Episcopal Cathedral Foundation and former Major General in the U.S. Army

Laurie O. Robinson – Director of the University of Pennsylvania’s Master of Science in Criminology Program and Chair of the Vera Institute of Justice Board of Trustees, and former Assistant Attorney General in charge of the Office of Justice Programs (1993–2000)

Senator Gloria Romero – California Senate Majority Leader and Chair of the Senate Select Committee on the California Correctional System

Timothy Ryan – Chief of Corrections for Orange County, Florida, overseeing one of the largest jail systems in the United States, and past President of the American Jail Association

Margo Schlanger – A leading authority on prisons and inmate litigation; 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. – Senior Counsel at Cravath, Swaine & Moore LLP and also at New York University Law School’s Brennan Center for Justice

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

Hilary O. Shelton – Director of the National Associate for the Advancement of Colored People, Washington Bureau