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Michael J. Ashe Jr.

Hampden County, Massachusetts Sheriff's Department

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Oversight and Accountability in Corrections

Michael J. Ashe, Jr.*

As Sheriff of Hampden County, Massachusetts, I am primarily a corrections administrator. In Massachusetts sheriffs do not have patrol duties and our major responsibility is to manage the county's jail, for those awaiting trial, and the county's house of correction, for those sentenced to two and one-half years or less.

Please note that in many, if not most, states everyone sentenced to one year or more is sent to state prison; this means 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 two and one-half 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

* Sheriff of Hampden County, Massachusetts. Sheriff Michael J. Ashe, Jr. holds a Bachelor's degree from St. Anselm's College and a Master's degree in Social Work from Boston College. He was elected Sheriff of Hampden County in 1974. He has been re-elected five times since, without opposition. Sheriff Ashe is a past president of the Massachusetts Sheriffs Association. He has received, among other awards, the Howard B. Gill Lifetime Achievement Award from the Correctional Association of Massachusetts for "outstanding commitment to the field of criminal justice" and his "sense of justice, his firmness balanced with kindness, and the courage to take chances"; the Annual President's Award of the Massachusetts Sheriffs Association, "in recognition of courageous actions on behalf of the citizens of Hampden County"; and the Beverly Ross Fliegel Public Service Memorial Award for "bringing a clear vision of social justice to the criminal justice system."

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 of pre-trial individuals (approximately ten) are in either pre-release or day reporting.

I have been Sheriff of Hampden County for over thirty-one years and herein hope to share my experience on the topics of oversight and accountability. First, let me point out that although we often hear that all of the lofty-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, minds, and spirits of those who occupy it, and not with bricks and mortar, shatterproof glass, “pre-fab” cells, or organizational charts.

I am reminded of the old western movie¹ 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.”² Another cowboy says, “Well, that’s partly it, but it’s more than that: it’s who he makes his promise to.”³ So before I detail how we, as an organization, seek to fulfill our promise, I want to offer what, indeed, our promise is.

I.

There are seven underlying principles of our vision of excellence in corrections at Hampden County: the first is balance; second is that we are in the business of not just incarceration but corrections; third is that inmates should be held accountable for being positive and productive; fourth is that whether the prison is a state prison or county facility (urban, rural or in-between) it should be part of the

1. THE WILD BUNCH (Warner Brothers 1969).

2. *Id.*

3. *Id.*

community; fifth is that those in custody should be kept at the lowest level of security that is consistent with public safety; sixth is that corrections should not allow itself to be a scapegoat for the failures of the larger society; and the seventh is respect.

1. Balance

My motto of correctional supervision is “strength reinforced with decency; firmness dignified with fairness.” As with any correctional facility, our foundation is a safe, secure, and orderly facility, but that is only our foundation, not the whole edifice. If you stop there you miss a great deal of the challenge, 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 do not want to run cesspools of stagnation, frustration, and new crime.

2. We Are in the Business of not Just Incarceration But Corrections

My average inmate is in his twenties, a substance abuser, has dropped out of school before completing the tenth grade, 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, and unskilled young person. Incarceration is about keeping that person in a holding pattern for a length of time. Corrections, on the other hand, is about also giving that person the opportunity, the challenge, and the responsibility to acquire the tools to build a law-abiding life.

3. Inmates Should Be Held Accountable for Being Positive and Productive

This paper addresses the subjects 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 as well. 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, do not expect those staff 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 meaning they look for their meaning in “us versus them” hostility, anger, abuse, and violence.

In Hampden County we expect inmates to be at work assignments or at programs, like Substance Abuse Education and Treatment, General Education (GED) Preparation, English as a Second Language, and Victim Impact and Anger Management, for at least forty 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 regimen is solid, the logistics is simple, and it is, I believe, adoptable and adaptable to any correctional operation seeking to impact the lives of those in its custody.

The premise that we founded the 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 in perhaps 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 in the institution. Often the long-term programs that these inmates sign up for, such as substance abuse, education, and work assignment, have waiting lists and this valuable and crucial time is lost.

Our Basic Intensive Regimen assures that offenders receive mandatory and basic core programs for five 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. Uniformed and non-uniformed staff lead these classes. Those inmates who refuse to participate in 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; inmates can earn their way off of this pod, but only by successfully participating in its program, geared toward life change.

4. Whether the Prison is a State Prison or County Facility (Urban, Rural, or In-Between) It Should Be Part of the Community

Five hundred volunteers, representing seventy-five different organizations, come into our facilities, and many of these organizations are faith-based. For any given semester, we have between fifty and seventy-five 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 lends to our programs, such exposure 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.

5. Those in Custody Should Be Kept at the Lowest 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 chances of staying 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 tool of public safety. 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 the first day 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.

6. 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—has failed to successfully socialize the individual by the time they are brought to our front door in shackles and handcuffs. I do not recruit, and I do not know any correctional institution that does.

Correctional institutions should be seen by the community in the same way as hospitals. We want a hospital to be as effective as possible in treating illnesses and accidents, but we do not blame hospitals for the illnesses 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 should not 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 professionals 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.

7. Respect is an Essential Ingredient of a Well-Run Correctional Operation

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 a 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 by the people of the state.

II.

Having offered seven of the underlying principles that should, I believe, inspire a correctional operation, I would like to explain the 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. People hired by us as correctional officers can pursue two tracks in a work career: first, an officer can seek to stay in uniform and rise through the ranks, from officer to corporal, to sergeant, to lieutenant, to captain, to primary captain, and, finally, to major; second, after serving as an officer for a time, an employee can seek to become a correctional case worker. These correctional case worker positions are bridge positions that we have created. Correctional case workers join officers and counselors on three-person teams in our living units. Correctional case workers are still in uniform but their duties are partly officer and partly counselor, assisting both of 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 directly into counseling

positions anymore. Rather, we tell would-be counselors that they must start as officers.⁴ 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 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 such a facility.

Another systemic effort is that we have adopted some private-sector-type incentives and attitudes with regard to 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. Twelve staff members received medical accommodations; three suspensions were issued (these employees were reinstated after they passed the test); and zero terminations were necessary. What this bonus system works against is the stereotypical “gone to seed,” indolent, “keeper of the keys” correctional officer with no stake in their 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, and Distinguished Service. We also have a great emphasis on initial and on-going training. After a seven-week training academy which emphasizes

4. Fully 41.7% of our uniform staff now possess a degree in higher education. This statistic was compiled from internal information of the Hampden County Sheriff's Department.

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 orient new officers 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 emphasizes interpersonal and communication skills for officers rather than physical force.

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 sixty-four of our newly promoted corporals. After that we, again by contract, have fifty-five hours of mandatory training for officers per year, much of which is accomplished in twenty-six bi-weekly one hour trainings that cover the whole gamut of our operations, instead of 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 had “made it” successfully on the outside come back and speak to staff about how they continued the process begun in the institution for successful community re-entry. The purpose of this training was to combat the reality that officers often only get to see the failures, the inmates who recidivate and return. We felt they needed to see and hear from some of the majority who do not return. Further, to foster and encourage professionalism in our staff, we have also instituted written exams for employment (involving multiple-choice answers to videotaped correctional scenarios) and for promotion.

I really do not 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, or other matters. 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 twenty-four-hour, digital-video camera surveillance throughout the institution. Even with all of the human efforts that we can make, we should utilize modern technology in this very difficult business of corrections by utilizing video observation of conduct within the institution. With every forced inmate move a member 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 a method of 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, longstanding policy 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 inmates’ 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 and is treated accordingly. We cannot help but believe that this cuts down on inmate-on-inmate violence.

At our institution we have a system of rotation for officers’ assignments to post. Officers spend six to nine months on a living-unit assignment and one year on a non-living unit assignment, such as special operations, kitchen, medical, or transportation. We believe that this length of time accomplishes two things: it is long enough for a staff member to be part of a team, invested in a particular post, having a sense of continuity and ownership; but it is short enough so that particularly senior officers do not monopolize posts, establishing “little fiefdoms” throughout the institution, if you will.

Finally, we are believers in, and practitioners of, utilizing the standards of the American Correctional Association⁵ and of the Code of Massachusetts Regulations⁶ in our daily practice. Adherence to, and auditing of, these standards helps to assure safety and fight unprofessionalism.

CONCLUSION

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, and 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.⁷ Thank you for the opportunity and challenge to pursue excellence in the very difficult and very vital field of corrections.

5. See American Correctional Association, Standards and Accreditation, <http://www.aca.org/standards/> (last visited Apr. 7, 2006).

6. See Code of Massachusetts Regulations, <http://www.lawlib.state.ma.us/cmr.html> (last visited Apr. 7, 2006).

7. The hearing was held in Los Angeles, California on February 8–9, 2006. Commission on Safety and Abuse in America's Prisons, <http://www.prisoncommission.org/> (last visited Apr. 7, 2006).