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# Leadership & Correctional Reform

James B. Jacobs\*

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## I. The Crucial Importance of Correctional Leadership

It should be obvious to anyone familiar with the last quarter century struggle to improve prison conditions that professional correctional leadership is **the key** to establishing and maintaining humane prisons. Well-run prisons are not brought into being by good philosophy, good laws, or good lawsuits, although, to be sure, these are very important.<sup>1</sup> Without intelligent, competent and even inspiring prison leadership, there is little chance of creating decent, much less constructive prison environments and operations.<sup>2</sup> Even unconstitutional conditions of confinement lawsuits that result in sweeping remedial orders can only succeed if there are professional prison personnel willing and able to carry out court-mandated reforms.<sup>3</sup> The

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1. Prison litigation has spawned a number of new roles in prison, such as law librarians, substance abuse counselors, nutritionists, and compliance personnel. See James B. Jacobs, *The Prisoners' Rights Movement and Its Impacts 1960-80*, 2 *CRIME & JUST.* 429, 429 (1980) for a history and analysis of prison reform and its impacts.

2. See JAMES B. JACOBS, *STATEVILLE: THE PENITENTIARY IN MASS SOCIETY* (1977); see also JOHN J. DI IULIO, JR., *GOVERNING PRISONS: A COMPARATIVE STUDY OF CORRECTIONAL MANAGEMENT* (1987).

3. See the protracted and unsuccessful effort to reform Puerto Rico's system through litigation, now ten years in the courts. The history is told in the following opinions: *In re Justices of Supreme Court of P.R.*, 695 F.2d 17 (1st Cir. 1982); *Schneider v. Colegio de Abogados de Puerto Rico*, 565 F. Supp. 963 (D.P.R. 1983), *vacated by*, 742 F.2d 32 (1st Cir. 1984); *Schneider v. Colegio de Abogados de Puerto*

most skillful prison leaders are able to utilize court interventions as opportunities to improve the prison's physical plant and administration. Contrariwise, if prison officials are hostile, recalcitrant or incompetent, reform cannot be accomplished. It **matters** who leads our prison systems and individual prisons.<sup>4</sup> Prison history is full of examples of exceptional leaders who have made a difference, at least for a time,<sup>5</sup> as well as with examples of leaders whose failures in vision, values and capacity have led to squalor, chaos and human suffering.

Leadership is crucial to all organizations, e.g., educational, military, and commercial. Many private organizations, and the U.S. armed forces, invest heavily in recruiting and developing leaders who can define, refine and achieve goals, solve problems effectively, creatively and efficiently and elicit their subordinates' best efforts. There is a vast academic and popular literature on leadership.<sup>6</sup> Given the socio-political importance of the vast jail and prison system in our society, defining the ideal qualities and characteristics of prison and jail leaders should generate a substantial corpus of professional and academic writing. Unfortunately, literature on correctional leadership

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Rico, 572 F. Supp 957, 957-58 (D.P.R. 1983); *Schneider v. Colegio de Abogados de Puerto Rico*, 670 F. Supp 1098 (D.P.R. 1987); *Schneider v. Colegio de Abogados de Puerto Rico*, 682 F.Supp.674 (D.P.R. 1988), *rev'd in part by*, 917 F.2d 620 (1st Cir. 1990); *Schneider v. Colegio de Abogados de Puerto Rico*, 947 F. Supp 34 (D.P.R. 1996); and *Schneider v. Colegio de Abogados de Puerto Rico No.*, 187 F.3d 30 (1st Cir. 1999).

4. "Looking back over time . . . it would appear that the reformist periods were more the results of charismatic reformers, individuals and groups, who were able to sway decision makers, than of any dramatic shifts in public opinion." ALLEN BREED, *THE STATE OF CORRECTIONS TODAY: A TRIUMPH OF PLURALISTIC IGNORANCE* 3 (1986).

5. See THOMAS O. MURTON & JOE HYAMS, *ACCOMPLICES TO THE CRIME: THE ARKANSAS PRISON SCANDAL* (1969). A less radical example is Norman Carlson, who during his eighteen-year tenure as director of the Federal Bureau of Prisons was able to effect safe, civilized, humane prisons, carefully controlled and run by a professional staff. KEVIN N. WRIGHT, *EFFECTIVE PRISON LEADERSHIP* 5-6 (1994).

6. For example, Joseph Jaworski's book has attracted enormous attention in the business world and in schools and programs of management. JOSEPH JAWORSKI, *SYNCHRONICITY: THE INNER PATH OF LEADERSHIP* (1996). In this highly experiential account Jaworski contends that leadership is about personal transformation as a leader rather than about getting subordinates to comply with orders. See *id.*; see also ROBERT K. GREENLEAF ET AL., *SERVANT LEADERSHIP: A JOURNEY INTO THE NATURE OF LEGITIMATE POWER AND GREATNESS* (Larry C. Spears ed., 25th Anniv. ed. 2002) (an eastern-philosophy-influenced book that has had tremendous influence in the field of organizational leadership).

scholarship is very thin,<sup>7</sup> making it all the more important that now (at this late date) we make the topic a top priority.

At a minimum, we need prison and jail leaders who are highly motivated, energetic, humanistic, mature, reflective and innovative. They should be capable of relating well with, and bringing out the best in, their subordinates and inmates.<sup>8</sup> They must have very strong organizational management skills, based on expertise in human resources, personnel management, labor relations and public administration. They also need to be conversant and comfortable with public accounting and budgeting, prison law, maintenance and operation of the physical and mechanical penal infrastructure, public relations and legislative politics. Moreover, they should be well educated in penology, criminology, correctional law, sociology of organizations, sociology of poverty, African-American studies, Latino studies and psychology. Finally, these correctional leaders ought to have a solid grounding in the scholarly and popular literature on leadership.<sup>9</sup>

This is quite a list of qualities and capacities. Can we be serious? Yes, indeed—very serious. One can hardly imagine a more difficult job than running a prison or large jail. The as-

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7. *But see* WRIGHT, *supra* note 5; STAN STOJKOVIC & MARY ANN FARKAS, CORRECTIONAL LEADERSHIP: A CULTURAL PERSPECTIVE (2002); PETER M. CARLSON & JUDITH SIMON GARRETT, PRISON AND JAIL ADMINISTRATION: PRACTICE AND THEORY (1999); RICHARD P. SEITER, CORRECTIONAL ADMINISTRATION: INTEGRATING THEORY AND PRACTICE (2001); *see also* Dan Richard Beto & Melvin Brown, Jr., *Effective Correctional Leadership for the 21st Century*, 3 CORRECTIONS MGMT. Q., 47 (1999).

8. There is a massive and rich literature on leadership that is widely used in business schools and private sector organizations. *See, e.g.*, JAWORSKI, *supra* note 6; GREENLEAF, *supra* note 6; PETER M. SENGE, THE FIFTH DISCIPLINE: THE ART AND PRACTICE OF THE LEARNING ORGANIZATION (1990); MARGARET J. WHEATLEY, LEADERSHIP AND THE NEW SCIENCE: LEARNING ABOUT ORGANIZATION FROM AN ORDERLY UNIVERSE (1992); JOHN W. GARDNER, ON LEADERSHIP (1989); JAMES M. KOUZES & BARRY Z. POSNER, THE LEADERSHIP CHALLENGE: HOW TO GET EXTRAORDINARY THINGS DONE IN ORGANIZATIONS (1987); TOM GILMORE, MAKING A LEADERSHIP CHANGE (1989). Arguably, all middle and upper level prison officials should have the opportunity (probably more than once) to take a leadership seminar based around books like these. In top business schools and schools of management, courses on leadership are common. *See, e.g.*, the Wharton School's Center for Leadership and Change Management, at <http://leadership.wharton.upenn.edu/welcome/index.shtml>.

9. "Effective prison leaders balance the need for continuity with the need for change, and the need for standardization with the need for self-expression and creativity[. They] view their staff as mutually interdependent, and they constantly work to ensure a sense of community among them." WRIGHT, *supra* note 5, at 11.

signment is to keep order, discipline and a modicum of good morale among troubled, anti-social and dangerous inmates,<sup>10</sup> who live under conditions of extreme deprivation including idleness, lack of privacy, sexual frustration and inter-personal and inter-group conflict;<sup>11</sup> add to that overcrowded facilities,<sup>12</sup> deteriorating physical plants, dwindling budgets, demanding litigation and public health problems like AIDS, tuberculosis and hepatitis.<sup>13</sup> Managing a penal institution so that its inmates will conform to reasonable rules, achieve and maintain good mental and physical health, not victimize one another, the staff and the facility and even have a positive outlook is a mind-numbing challenge, but that is not all. The correctional leaders have to manage a workforce that is massively outnumbered by the inmates, often poorly educated, poorly trained, poorly paid, feeling chronically unappreciated<sup>14</sup> and laced with interpersonal and inter-group frictions and gang conflicts. In addition, in many prisons and jails, there is the union to contend with. It constitutes a powerful stakeholder that limits (or can potentially limit) the managers' ability to effectuate policy choices. Finally, correctional managers have to deal with a complicated

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10. Nationally, the number of inmate-on-inmate assaults in correctional facilities rose from 25,948 to 34,355 from 1995 to 2000, and assaults on staff rose from 14,165 to 17,952. BUREAU OF JUSTICE STATISTICS, U.S. DEP'T OF JUSTICE, BULL. NO. NCJ 198272, CENSUS OF STATE AND FEDERAL CORRECTIONAL FACILITIES 2000 10 (2003), available at <http://www.ojp.usdoj.gov/bjs/pub/pdf/csfcf00.pdf> [hereinafter CORRECTIONAL FACILITIES].

11. There are countless examples, but for a recent one, see Dwight F. Blint, *Gang Worries Prison Workers*, HARTFORD COURANT, Oct. 13, 2003, at A1. See generally Mark S. Fleisher & Scott H. Decker, *An Overview of the Challenge of Prison Gangs* 5 CORRECTIONS. MGMT. Q., 1 (2001).

12. Overcrowding and understaffing is one of the biggest problems prisons face. Forty-five state prison systems are operating at or above intended capacity. Twenty-two states are operating under court-ordered population caps. Eric Schlosser, *The Prison Industrial Complex*, ATLANTIC MONTHLY, Dec. 1998, at 51.

13. Prison healthcare and disease is a major issue. In 1997, a study of Bureau of Justice Statistics data showed that released inmates accounted for 20 to 26% of the HIV/AIDS cases in the United States, 12 to 16% of hepatitis B infections, 29 to 32% of hepatitis C infections, and 39% of tuberculosis cases. Thomas M. Hammett et al., *The Burden of Infectious Diseases Among Inmates and Releases From US Correctional Facilities*, 1997, 92 AM. J. PUB. HEALTH 1789, 1792 (2002).

14. For a description of the media's negative image of prisons and its influence on prison staff, see Robert M. Freeman, *Here There Be Monsters: Public Perception of Corrections*, 63 CORRECTIONS TODAY 108 (2001); Tim Kneist, *Old Habits Die Hard: Corrections Professionals Constantly Struggle Against Negative Stereotypes*, 60 CORRECTIONS TODAY 46, 46-48 (1998).

external environment of legislators, interest groups, volunteer groups, laws, lawyers, courts and media.<sup>15</sup> For institutional-level leaders, the correctional department's central office is a powerful "external" player that impacts all operations and decisions.

It must be emphasized that prison cannot be effectively managed by a single person, no matter how able and energetic; good administration requires more than just a charismatic state director of corrections or city jail director, or a heroic prison or jail warden. Leadership may start at the top, but it needs reinforcement and amplification all the way down and across the organization.<sup>16</sup> One of the most important qualities of an effective leader is the ability to recruit and inspire subordinates. Leaders need to have a breadth of vision so they can challenge their subordinates to think and operate in new ways. Prisons can no longer be run as authoritarian command-and-control organizations.<sup>17</sup> Top officials must empower their subordinates to make appropriate decisions and encourage them to communicate information, ideas, and visions to the wardens.

Although the importance of running safe, orderly and constructive prisons and jails should not be minimized, our focus on leadership should aspire to do much more. Ideally, correctional leaders should rethink the potential and limits of American corrections. It is hardly controversial to suggest that there must be a better way to respond to crime than to lock people up in expensive jails and prisons where their personal problems

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15. Add to these factors the effect of privatization on the prison system. Between 1995 and 2000, the number of private facilities rose from 110 to 264. These facilities are highly controversial and have been opposed by many prison reform organizations. In 2000, thirty-three of them were under court order or consent decree, up from fifteen in 1995. CORRECTIONAL FACILITIES, *supra* note 10, at 9. They also tend to have higher staff turnover (probably due to lower pay) and higher inmate escape rates. See Scott D. Camp & Gerald G. Gaes, *Growth and Quality of U.S. Private Prisons: Evidence from a National Survey*, 1 CRIMINOLOGY & PUB. POL'Y 427 (2002).

16. Kevin Wright makes a similar point: "The ability of the senior executive to surround himself or herself with a knowledgeable interdisciplinary team to support efforts to respond appropriately to the myriad of tasks will determine success." Kevin N. Wright, *The Evolution of Decisionmaking Among Prison Executives*, in 3 CRIMINAL JUSTICE 2000: POLICIES, PROCESSES, DECISIONS OF THE CRIMINAL JUSTICE SYSTEM, 177, 200 (Nat'l Inst. of Justice ed., 2000), available at [http://www.ncjrs.org/criminal\\_justice2000/vol\\_3/03e.pdf](http://www.ncjrs.org/criminal_justice2000/vol_3/03e.pdf).

17. See JACOBS, *supra* note 2.

are aggravated, they become further confirmed in their deviancy and to which a majority return after committing another crime. The current system does not successfully serve convicted criminals, taxpayers or society in general. It is imperative that we encourage a new generation of correctional leaders to re-think the whole mission and scope and organization of "corrections." These leaders can work in concert with leaders from other societal sectors to invent and implement new responses to crime that will move us beyond the expensive and dysfunctional jails and prisons that we have been supporting and tinkering with for more than two centuries.

The human infrastructure requirements of American corrections are daunting. There are at least 3,376 local jails,<sup>18</sup> 1,320 state prisons, 84 federal prisons, and 264 privately run penal facilities.<sup>19</sup> Each state prison system needs outstanding leadership at the departmental level—director and assistant directors in charge of adult facilities, juvenile facilities, financial operations, community relations and legal counsel. Each prison and jail needs a warden, assistant wardens, top security officer, program heads, physical plant manager, chief of budget, recreation director and disciplinary officers. Even filling all those positions with competent leaders, while a great accomplishment, will not be sufficient. It is important to have good leadership at the middle management levels, e.g., in each cell house, especially in administrative and disciplinary segregation units, in the workshops and in the school. If the fifty state and/or federal prison systems each require ten leaders at the central office, and if each jail requires five leaders, and if each prison requires ten, the nation needs roughly 32,000 leaders at any given time.<sup>20</sup> This leadership pool must be constantly replenished due to retirements, resignations and proliferation of institutions.<sup>21</sup>

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18. BUREAU OF JUSTICE STATISTICS, U.S. DEP'T OF JUSTICE, SOURCEBOOK OF CRIMINAL JUSTICE STATISTICS, 2002 90 tbl.1.94 (Kathleen Maguire & Anne L. Pastore eds., 2002).

19. *Id.* at 94 tbl.1.98.

20. In 2000, there were a total of 430,033 employees in correctional facilities under state or federal authority, a 23.8% increase from 1995. CORRECTIONAL FACILITIES, *supra* note 10, at vi.

21. In 1992, the number of retirements per department of corrections was sixty-three, up from fifty-nine the previous year; the number of resignations was 271. Half of all staff departures in 1992 were resignations. NAT'L INST. OF CORR., U.S. DEP'T OF JUSTICE, MANAGING STAFF: CORRECTIONS' MOST VALUABLE RE-

Recruiting, developing, promoting and supporting this professional correctional corps ought to be considered a national responsibility and challenge. Yet, to date there has been no such national commitment. Indeed, there seems to be little recognition that we have a national problem. To the contrary, the nation, including politicians and correction officials themselves often act as though correctional leadership is in abundant supply, as though no special strategies are needed to recruit and nurture it and as though the leadership and potential leadership that we do have can be squandered with impunity.<sup>22</sup>

## II. Recruiting, Developing and Retaining Correctional Leaders

We cannot address the strategies necessary for improving the correctional system's human infrastructure without first recognizing the impediments to recruiting, developing, and retaining potential jail and prison leaders. The first challenge is to **recruit** potential leaders into corrections. Some potential leaders may be recruited into corrections as young men and women who will develop personally and professionally in the system. Other potential leaders will be laterally recruited from other organizations. Thus, the leadership pool from which we can draw depends upon the extent to which we are free to recruit people directly into middle and upper management. Lateral recruitment has major advantages, allowing prisons and jails to benefit from the training and experience that other private and public organizations provide.<sup>23</sup>

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SOURCE 17 fig.7 (1996) (study conducted by George Camp on methods of effectively managing corrections staff), available at <http://www.nicic.org/pubs/1996/013216.pdf> [hereinafter *MANAGING STAFF*].

22. State directors of correction serve about three years. According to Bob Brown at the National Institute of Corrections, thirty-four directors of corrections are up for appointment this year. Some "new" directors have just left similar jobs in other states, so their knowledge and skills are not lost. Telephone Interview with Bob Brown, National Institute of Corrections, Academy Division (Oct. 20, 2003). Still, this revolving door of state directors of corrections may place a huge constraint on the capacity of prison systems to improve significantly.

23. Ironically, perhaps, the directors of state prison systems are often lateral recruits.



Whether recruitment is vertical or lateral, prison work is a hard sell. Neither remuneration<sup>24</sup> nor prestige is high.<sup>25</sup> Working conditions (in prisons) are harsh.<sup>26</sup> The majority of the human contacts for many prison staff, especially those at the lower level, is with prisoners who are loaded with psychological and social problems that are exacerbated by the deprivations of imprisonment.<sup>27</sup> They routinely vent their frustrations on the staff, and rarely acknowledge a job well done. At best, prisoners are not likely to be successful in their interpersonal relations and therefore to be good daily "company" for members of the staff. There is physical danger in prison work. Stress is high

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24. In January 2001, the national average annual starting salary for correctional officers was approximately \$24,000; the average maximum salary was \$38,000. The average minimum salary for wardens was \$54,250, while the average maximum salary was \$86,275. James B. Jacobs, *Prison Reform in the 21st Century*, in *THE FUTURE OF IMPRISONMENT* (Michael Tonry ed. 2004).

Some salary figures from Texas: based on the salaries of individuals listed, correctional administrators earn about \$88,000, and wardens earn about \$100,000. *25 Years: 2002 Public Employee Salary Survey*, *THE REPORTER*, Dec. 16, 2001, at <http://63.192.157.117/Specials/salary/2002/list02.html> (last visited Apr. 22, 2004). In 2001, the starting salaries for majors was \$36,864; captains, \$34,380; lieutenants, \$33,240; sergeants, \$32,000. Correctional officers started at \$20,592. See TEXAS DEP'T OF CRIMINAL JUSTICE, *TDCJ Corrections as a Career*, at <http://web.archive.org/web/20030210165555/http://www.tdcj.state.tx.us/vacancy/COinfo/career.htm> (last updated Aug. 9, 2002).

Salary is often cited as a reason for high correctional turnover. A 1987 study found that 50% of those working in corrections chose the field because of economic necessity, and only 22% chose the field as their first choice of careers. SEITER, *supra* note 7, at 320 (citing M.J. Shannon, *Officer Training: Is Enough Being Done?*, 49 *CORRECTIONS TODAY* 172 (1987)).

25. Jane Sachs describes how correctional staff internalize the negative media images. She points out that although correctional work should be categorized as white-collar, it is typically thought of as blue-collar work. Jane Sachs, *Professional Development for Correctional Staff*, 61 *CORRECTIONS TODAY* 90, 92 (1999). Allen Breed has also spoken on the need to change the public image of corrections. BREED, *supra* note 4, at 6-7.

26. See JACOBS *supra* note 2.

27. In his article Secretary of Washington State Department of Corrections, Joseph D. Lehman says, "Historically, corrections has been a closed and isolated culture. We, in fact, were created to be out of sight, out of mind. We have operated on the premise that our job was primarily one of keeping the bad offender separated from the good, law-abiding citizen." He goes on to say, "The public will not tolerate the isolationism that has become our armor against a seemingly hostile environment." Joseph D. Lehman, *The Leadership Challenge: Back to the Future*, 3 *CORRECTIONS MGMT. Q.* 19, 20 (1999). He and Wright both argue that corrections leaders must adopt a more contextual view of their role, and enter into a dialogue with the larger community. See *id.*; see also Wright, *supra* note 16.

and morale low. Prison employees feel chronically under-appreciated, perceiving that there is more societal concern for the well-being of prisoners than for prison staff. Even among the best-intentioned and most mentally healthy employees, stress and burnout constantly undermine job satisfaction.

The second challenge is for prisons and jails is to stimulate and encourage personal and leadership development. Most prison regimes are paramilitary and hierarchical. Young officers and other employees are subject to strict, sometimes arbitrary rules and discipline. Many young men and women do not respond well to that style of management.<sup>28</sup> A certain kind of leader who would be very valuable to corrections will be immediately "turned off."<sup>29</sup> Moreover, in many states, collective bargaining agreements mean that assignments and promotions are dictated by seniority.<sup>30</sup> Prison and jail bureaucracies are often muscle bound and overly regulated, discouraging (or even punishing) initiative. Over the past generation, decision making increasingly has been concentrated at ever-higher administrative levels.<sup>31</sup> Ideas from the rank and file, even from middle and upper management, are often neither solicited nor welcome.<sup>32</sup> Turnover among prison staff is often very high, reinforcing negative morale.<sup>33</sup> The most ambitious and talented young officers are the most likely to leave for other job opportunities.

28. Clear and Cole's introductory textbook says prison administration "is dominated by uncreative thinking, ungrounded and idiosyncratic conceptualization, and an unwarranted commitment to traditionalism." TODD R. CLEAR & GEORGE F. COLE, *AMERICAN CORRECTIONS* 151 (2d ed., 1990).

29. It is interesting to note that in the British Prison Service, there is tension between the senior-level managers who want innovation and change, and the entry-level personnel who are suspicious and doubtful of changes. See ALISON LIEBLING, *PRISONS AND THEIR MORAL PERFORMANCE* 344 (forthcoming July 2004). For a discussion of manager qualities and organizational dynamics in British prisons, as well as the importance of creative, clear and communicative leaders in creating a positive prison atmosphere see *id.* at 339-90.

30. See JAMES B. JACOBS & NORMA CROTTY, *GUARD UNIONS AND THE FUTURE OF THE PRISONS* (1978).

31. For information *supra* about the historical evolution of prison administrative decisions see JACOBS, *supra* note 2, at 73; WRIGHT, *supra* note 5.

32. Because of the attention paid to corrections by the public and by elected officials, managers and administrators who become too visible or step too far outside the box can find their job security in jeopardy. See Richard P. Seiter, *The Leadership and Empowerment Triangle*, 3 *CORRECTIONS MGMT. Q.* iv (1999).

33. In George Camp's 1996 study, he found that while the growth in prison populations was rising, a trend that continues today, the growth of staff popula-

The rapid prison expansion of the past two decades has generated unusual opportunities for rapid promotion, but that too presents problems.<sup>34</sup> Prisons and jails present many occasions for failure and few for success. Because of rapid prison expansion, prison personnel have been promoted without adequate training. They have thus been vulnerable to errors and mistakes leading to demotion and dismissal.<sup>35</sup> It would be illuminating to see what percent of potential leaders is more or less driven out of corrections by an inflexible discipline and management.<sup>36</sup>

This leads to the third challenge—retaining talented middle and upper level personnel. Responsibility is great, hours long, working conditions poor. To retain personnel with strong leadership potential will require making their working lives satisfactory and stimulating. Salaries need to keep pace at least with other law enforcement agencies, and the qualities of facilities (exercise rooms, showers, cafeteria) should make officers feel valued and appreciated.

A fourth challenge, actually an impediment to correctional leadership development, is the revolving door that characterizes the tenure of state directors of correction. These top officials average just three years on the job.<sup>37</sup> They move on with a change in the gubernatorial administration, or on account of some crisis or scandal or simply to take advantage of another job opportunity. It is true that some of them, like baseball man-

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tions was shrinking. Turnover rates could be as high as 50% in some institutions, though not in entire systems. See *MANAGING STAFF*, *supra* note 21, at 19-20.

34. It is possible now to be promoted to warden within ten years, something unheard of in the past. Brown, *supra* note 22.

35. One study found that turnover rates among correctional officers are 15.4% in publicly run prisons, 40.9% in privately run prisons. Tracy Huling, *Building a Prison Economy in Rural America*, in *INVISIBLE PUNISHMENT: THE COLLATERAL CONSEQUENCES OF MASS IMPRISONMENT 202* (Marc Mauer & Meda Chesney-Lind, eds. 2002). This statistic does not distinguish those who are dismissed from those who leave voluntarily. Turnover rates vary widely by state, and by number of years of employment. Many correctional officers leave for jobs with other local law enforcement agencies. Am. Corr. Ass'n, *Staff Hiring and Retention*, 26 *CORRECTIONS COMPENDIUM* 6 (2001) [hereinafter *Staff Hiring and Retention*].

36. For an insightful view of how organizational attributes create stress and turnover, see Ojmarrh Mitchell et al., *The Impact of Individual, Organizational, and Environmental Attributes on Voluntary Turnover among Juvenile Correctional Staff Members*, 17 *JUSTICE QUARTERLY* 333 (2000).

37. See *supra* note 22.

agers, move from one state prison system to another and are therefore not inexperienced when they assume the job. Nevertheless, one must seriously ask how much leadership can be developed and exerted over the course of such a short term tenure. The staff's expectation that the head of the system will soon be gone is by itself is a recipe for organizational stagnation or worse. It is no coincidence that the Federal Bureau of Prisons, whose directors have enjoyed much longer security than their state counterparts, is generally regarded as the best-run prison system in the nation.

Leadership may, to some extent, be innate, linked to basic intelligence and personality. But a complex organization cannot rely on a few individuals' instincts and personalities. Thus, the fifth challenge for corrections is to systematically nurture and develop leadership. Unfortunately, in most states leadership training is rudimentary; in some states it hardly exists at all.<sup>38</sup> Most prisons and jails treat **any** training beyond entry

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38. Entry-level training includes instruction on such topics as: constitutional law and cultural awareness, inmate behavior, contraband control, custody and security procedures, fire and safety, inmate legal rights, written and oral communication, use-of-force, first aid, and physical fitness training. Training is conducted on-site. Jess Maghan, *Correctional Officers in a Changing Environment: 21st Century—USA 4* (2002), at <http://www.jmfcc.com/CorrOfficersChangingEnvirnmt.pdf>.

State entry-level training programs have been cut in recent years. Illinois, for example, has closed its statewide correctional academy for budgetary reasons. Among the forty-two state and federal correctional agencies included in a recent survey, introductory or basic training can range from 40 to 400 hours of introductory training, which includes both classroom and on-the-job training. SEITER, *supra* note 7, at 324.

The National Institute of Corrections' distance learning program is utilized at many prisons as a way of training new wardens and supervisors. Several state systems use educational reimbursement as an incentive to retain staff. Arizona provides 100% reimbursement for department-requested courses and 80% for approved employee requested courses. See *Ariz. Rev. Stat. § 41-1664* (1984); see also ARIZONA DEP'T OF CORRECTIONS, ADC DEPARTMENT ORDER MANUAL (2003) (department order 509.11), available at <http://www.adc.state.az.us/Policies/509.htm#509.05>. California provides a monthly incentive of \$100 toward educational pursuits, and Colorado reimburses half the cost of tuition when an associate degree is obtained. See generally California Department of Corrections, Benefits Information, at <http://www.corr.ca.gov/SelectionsStandards/SelectionAndStandardsPages/AdditionalBenefitsInfo.asp> (last visited Apr. 22, 2004); see also Press Release, Colorado Department of Corrections, Colorado Department of Corrections Hosts Higher Education Fair (Nov. 28, 2001), available at [http://www.doc.state.co.us/releases/2001\\_releases/2001-November-28.htm](http://www.doc.state.co.us/releases/2001_releases/2001-November-28.htm). Missouri varies its reimbursements according to grades. Nebraska requires officers to remain employed by the correctional system

level as a luxury. There are not enough resources and often not enough officers to allow many employees to be released for training, at least not often and not for long. The content of the training that does exist tends to be practical nuts and bolts skills, focusing on survival, rather than on imbuing personnel with strategies for becoming effective leaders. There is no “in-house” expertise to deliver the kind of high-power leadership training that we have in mind, and such training has not been available to more than a few individuals via outside providers.<sup>39</sup> It requires magical thinking to believe that somehow the human infrastructure of American prisons and jails will just will itself to the next level of expertise.

### III. Investing in Correctional Leadership

Improving corrections’ human infrastructure requires imagination and resources. There are many reasons to be pessimistic. But things will not get better unless we generate some positive goals to strive toward. Therefore, the rest of this essay sets out some ideas for improving leadership in corrections, no matter how politically impractical they may seem at the present time.

Our view is that the human infrastructure of corrections ought to be seen as a national resource and its improvement a national priority. Could an individual state or a combination of states do this themselves? Our federalism creates a disincen-

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for twelve months following any reimbursed course. Idaho provides some management and supervision courses. *Staff Hiring and Retention*, *supra* note 35, at 6-12.

The American Correctional Association (ACA), the largest and most important professional correctional organization in the U.S., is a valuable source of information regarding policy, procedure and professional standards for corrections. SEITER, *supra* note 7, at 312. The ACA also provides some educational materials, on-site training and access to self-instructional courses. See American Correctional Association, at <http://www.aca.org>.

39. Ninety percent of new wardens surveyed said they received no special training or orientation in their new job responsibilities prior to, or just after they assumed their assignment. About half reported that no formal mentoring program was made available to them. SUSAN W. McCAMPBELL ET AL., RESOURCE GUIDE FOR NEWLY APPOINTED WARDENS (2002). It should be noted that the very existence of this publication, aimed to serve as an orientation for wardens to their new position, indicates the lack of formal training they receive before assuming their new position. Another excellent manual that serves a similar purpose is N. AM. ASS’N OF WARDENS AND SUPERINTENDENTS, A VIEW FROM THE TRENCHES: A MANUAL FOR WARDENS BY WARDENS (Sharon Johnson Rion ed. 1999).

tive for any single prison system (or several systems within a region) to invest heavily in training and leadership development. If any one state were to make such an investment, other states and counties (and private prison companies) would simply hire its expensively trained leaders away. Eventually the high-spending states would cut back on staff development. The states also lack the resources and economies of scale to mount sophisticated prison leadership programs.<sup>40</sup> This makes it clear that we need a federal initiative that looks to improving the nation's overall human correctional infrastructure.

The National Institute of Corrections (NIC) has, in fact, pioneered in leadership training for state and local jail personnel. Some of its programs have been and are excellent. The problem is that NIC has not been funded or even imagined at anything like the level and size that is necessary.<sup>41</sup>

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40. Many state correctional systems do have their own leadership programs. See, e.g., Nebraska Commission on Law Enforcement and Criminal Justice, at <http://www.nol.org/home/crimecom/>; Oklahoma Department of Corrections Training Administration, at <http://www.doc.state.ok.us/Training/index.htm>; Florida Criminal Justice Executive Institute, at <http://www.fdle.state.fl.us/fcjei/>. However they are limited in scope by financial constraints, and many are not more than a couple of days long. The Oregon Department of Corrections has offered both two-week and sixteen-hour long formal leadership training courses in preparation for supervisory positions. Gregory Morton, *Step-by-Step Program Offers Comprehensive Training*, 4 CORRECTIONS PROF. 9 (1999). It is modeled after the NIC courses. *Id.* South Carolina's Department of Corrections sends fifty employees to six two-day sessions throughout the year; they deal with such issues as leadership, environment and the economy, education, governance, total quality management, and health. William Gengler & Connie Riley, *Two States' Training Programs Lead the Way Into the 21st Century*, 57 CORRECTIONS TODAY, 104 (1995). It involves field visits and meetings with community and business leaders. *Id.* at 104-6. One example that has stood out above the rest is the Leadership Institute in California, a six-week intensive program run by California State University. It has been temporarily suspended due to budget cuts.

41. The NIC provides information services, technical assistance and training programs for correctional practitioners in its Academy, Prisons, Jails, and Community Corrections divisions. Most of these trainings occur at its Longmont, Colorado site, and there are trainings from manager to senior executive levels. The executive trainings in particular are learner-centered and occur over a period of ten months. The manager programs use Kouzes and Posner's leadership challenge model and focus on managerial styles and teamwork. See generally National Institute of Corrections, *Training Services for Corrections Professional*, at <http://nicic.org/Services/TrainingServices.aspx> (last visited Apr. 22, 2004).

There is an eighteen-month program for administrators interested in becoming senior level leaders, which occurs in three phases and involves making organizational changes during that time and completing an academic paper around a

Given the extent of our investment in imprisonment, the United States should have the best national prison and jail college in the world. American corrections needs a major correctional college running five or six days a week, all year long.<sup>42</sup> It should be a college with a permanent staff of correctional professionals and a “civilian” faculty perhaps recruited for one or two year stints from prestigious departments of criminology, liberal arts, management and law. There ought to be both long and short courses and everything in between. This college

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problem of interest. The courses are treated similarly to graduate level courses. Unlike the authoritarian structure of the prisons themselves, the courses are designed to be participatory and to encourage thinking outside the box. There is also a special course for women and minorities, designed toward helping them advance in the leadership system. This is a less intensive training program and focuses more on personal growth and on individual managerial style. The course looks at racism and sexism in our society, and at ways to use informal power and networking to both become an effective manager and to move up in the ranks. There is also an advanced course that promising students can take. *See id.*

These programs are by application and are competitive to get into. Most of them consist of only thirty-six or seventy hours. Prison administrators and managers apply on their own initiative, and their supervisors must sign off on the applications. The NIC offers distance learning options, and partners with other agencies for additional trainings (although it will not pay for partnered trainings). The NIC also has a Technical Assistance program that provides onsite support for correctional facilities to help improve their program. *See National Institute of Corrections, NIC On-Site Technical Assistance, at <http://nicic.org/Services/OnSiteServices.aspx> (last visited Apr. 22, 2004).* In addition, there are several distance learning options. In recent years, these have been used increasingly, as they are easier and less costly to implement. *See National Institute of Corrections, NIC Correctional e-Learning Center, at <http://nicic.org/Services/eLearning.aspx> (last visited Apr. 22, 2004).* However, they do not provide the same level of training and individualized attention. The extent of the NIC program seems to be around enriching and improving the capabilities of administrative and managerial staff, rather than providing a basic level of training for everyone. About 1000–1200 prison staff members come to the Academy for training, while another 4000–6000 are educated by the NIC staff at their facilities. Another 12,000–20,000 are educated via distance learning. Brown, *supra* note 22. Telephone Interview with John Eggers, National Institute of Corrections, Academy Division (Sept. 29, 2003); Telephone Interview with Nancy Shoemaker, National Institute of Corrections, Academy Division (Oct 6, 2003).

42. There are some European examples that we might look to. The Bavarian Prison Staff Training School, for example, provides leadership and management courses in the framework of further training for staff members who are either already or expect to be in leadership positions. This is a four-week program with both classroom time and project time, and a practical focus with some theoretical grounding. Email from Bernhard Wydra, Director, Bavarian Prison Training School, to James B. Jacobs, Professor of Law, New York University School of Law (Oct. 26, 2003) (on file with author).

ought to be a place where all levels of prison personnel can learn the latest ideas about leadership. The college should promote an environment where up-and-coming correctional personnel from all over the country can meet, formally and informally with one another, with senior correctional officials, leading scholars and teachers. It is vital that this college be broadly integrated into higher education. Corrections needs more support from and integration with the larger society. The very existence of a college like this would increase the profession's prestige, expand its recruitment base, broaden its perspective and energize its ranks.

We would prefer the kind of prison and jail college sketched above, but the federal government could make its investment in corrections' human infrastructure through grants to "civilian" colleges and universities for offering different kinds of leadership training: one university might pioneer a course on human relations, while another might develop a course on the history, sociology and management of rehabilitation.

The state prison systems should concentrate on entry-level training and on doing as much as possible to identify potential leaders. Here it would probably make sense for more than one state to jointly operate or fund an entry-level training academy. A cooperative venture might offer economies of scale that would enable a training academy to be in use throughout the year, thereby allowing for better staff salaries, and a larger and richer curriculum.

The state prisons and the county jails need programs to identify potential leaders and to develop their full potential at every step of the organizational ladder. It is necessary to focus on finding, rewarding and encouraging the best performing personnel. Rewards need not only be monetary, but monetary rewards ought not to be overlooked. Prisons and jails require salary scales that encourage employees to seek promotion and to remain in the organization.

Ideally, prisons and jails would provide a transitional leadership course to every person slated for promotion.<sup>43</sup> Before as-

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43. The California Department of Corrections' Leadership Institute might serve as a model. This highly competitive program trains management staff from captain up, from prisons around California. Over its nine years of existence it has come to be considered a necessary step to the top positions. Jointly sponsored by



suming their new post, the just-promoted employee could be sent to the prison and jail college for a management course. In addition, or alternatively, he or she could be sent on a week-long visit to a "model" (or at least highly regarded) prison or jail outside the state, thereby broadening the individual's base of experience; hopefully the employee would return to the home institution with new ideas and perspectives. Why couldn't the National Institute of Corrections invest in several "model prisons" which could serve this kind of national training function by hosting visiting personnel from all over the country? Another idea would be simply to identify and persuade (perhaps with financial rewards) the dozen best managed correctional facilities to play this role. Perhaps the host institutions could be paid to play this role. Such a strategy might generate healthy competition for recognition as a prison or jail in the top group. For those personnel selected to visit, the trip itself would be a reward, a vote of confidence and an investment in the individual's career development.

Another possibility would be to send newly promoted prison personnel to a university-based course for middle or upper level managers. Perhaps there should be a dozen such college or university based courses in the country focusing on leadership, management generally, criminology and penology. Quite possibly, successful completion of such courses would become a positive, even necessary, marker on the correctional curriculum vitae. Instructors might keep tabs on "students" who stand out as most promising.

More could and should be done to build cooperative programs between corrections, philanthropic foundations, academia and the private sector. University-prison partner-

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the California State University at Chico, the Leadership Institute provides an intensive training for one week per month for six months. The curriculum exposes its students to organizational leadership literature, ethics, character development and strategic planning. Each student must complete a project, some of which have turned into policy changes. The program serves not only to train promising leaders but also to foster connections between people in different positions within prisons and in different prisons throughout the state. It graduated 350 students, before being suspended because of state financial troubles. Telephone Interview with Stan Stojkovic, Academic Director, Leadership Institute (Nov. 5, 2003). For more information on this program, see Stan Stojkovic et al., *Correctional Leadership Education Into the 21st Century: The California Leadership Institute* 61 FED. PROBATION 50 (1997).

ships will benefit both the prisons and the university. To date, there has almost certainly been more academic attention to educating prisoners than prison personnel. Indeed, this is a source of resentment among correctional staff. One model is to bring correctional personnel to the college; another model is to take a college program to the prison. Yet a third model is for the prison organization to recruit faculty to the institution for long or short stints. Why couldn't every prison aim to recruit a scholar in residence for a few weeks or longer each year? Perhaps a foundation would sponsor such a program? Private businesses could lend executives or leadership trainers to prisons for short periods of time.

Prison systems could provide promising mid and upper-level administrators with sabbaticals. This would represent a big investment in those few individuals' human and intellectual capital, adding to their breadth of knowledge and depth of expertise. If the host organization could be assured that this individual would contribute to the organization for a significant period of time, such an investment might pay off. But this is a big if. What would prevent another state from poaching those individuals who have just completed their sabbaticals?<sup>44</sup> This problem could be avoided if the federal government or a private philanthropic foundation sponsored the sabbatical program.

The more other societal sectors, institutions and groups that support prison and jail leadership, the better. Several hundred criminal justice programs flourish in our colleges and universities. Some of the thousands of correctional personnel who have obtained degrees in such programs now hold top correctional leadership positions in jails and prisons. More could be done. The courses could be made more accessible and more relevant. The professors could play a larger role in mentoring and supporting the best-performing students.

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44. Of course, university sabbatical programs face the same problem. Some universities require the sabbatical taker to return to the host institution for one year or pay back the sabbatical salary. See, e.g., UNIV. OF MASS. MED. SCH., UNIVERSITY SABBATICAL LEAVE PROCEDURE 3 (2000), at <http://www.umassmed.edu/facultyadmin/pdfs/sabbatical.pdf>; Kan. State Univ., *Sabbatical Leave Guidelines*, at <http://www.k-state.edu/academicservices/depthhead/sabbat/sabbtlv.html> (last updated Apr. 5, 2004).

#### IV. Correctional Service Corps

Another idea with real potential to improve correctional leadership is a "Correctional Service Corps." The time is ripe for state-level or national correctional service corps that would expand the recruitment base for correctional leaders by attracting idealistic college graduates for a year or two of public service in corrections.<sup>45</sup> These young people would be a breath of fresh air for penal facilities that all too easily become highly insulated from the larger society. The Correctional Service Corps could follow the model of the Corporation for National and Community Service (Americorps) programs, which expose young people to various fields of public service.<sup>46</sup> Some participants in the Correctional Service Corps would be attracted to the field as a career, thus contributing to the pool of potential future leaders. Some of those who don't sign on with corrections will become part of a broader constituency for humane and constructive prison conditions and operations. Finally, the very presence of one or two dozen Correctional Service Corps participants in each prison would help to break down parochialism and insularity. They will provide "outside eyes" on the regime's operations.<sup>47</sup>

#### V. Conclusion

We have fifty-one state and federal prison systems and several thousand county jails, all separately funded, administered and monitored. Our history is replete with instances of penal institutions degenerating into squalor and violence.<sup>48</sup> For more than a generation, prisoners' rights litigation has played a crucial role in exposing unconstitutional conditions. Federal courts (and the parties themselves) have responded with hundreds of

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45. See JAMES B., JACOBS, *NEW PERSPECTIVES ON PRISONS AND IMPRISONMENT* (1983).

46. See [www.americorps.org](http://www.americorps.org); see also [www.teachforamerica.org](http://www.teachforamerica.org).

47. Several states use interns to fill many of their entry-level positions. In Montgomery County Corrections, in Maryland, student interns are recruited and hired part-time at minimum wage, and also get college credit for working there. The facility can then hire them full time when they graduate. A significant percentage of their current staff came in as interns. E-mail from Jane Sachs, Manager, Montgomery County Pre-release Services to James B. Jacobs, Professor of Law, New York University School of Law (Oct. 27, 2003).

48. Jacobs, *supra* note 1.

orders and consent decrees mandating improved conditions and operations.<sup>49</sup> While conditions and operations have improved, there is still a **long way** to go. While litigation is effective in exposing and remediating truly deplorable conditions and abuses, it is less effective in creating decent conditions and operations and ineffective in bringing about excellent conditions and operations. Those goals require the commitment and skills of correctional managers who can creatively solve (or at least manage) the incredibly difficult problems that prisons and jails face.

Effective administration of prisons and jails demands outstanding leadership at the central office and institutional levels. We need good policy and the ability to implement it. We need leaders who can translate good intentions into good works, inspire their staffs to work hard and humanely in the face of difficult conditions and challenges, recognize and deal with legitimate inmate complaints and concerns, lobby effectively with the legislature and communicate constructively with the community and the courts. Such leadership is not abundant. Its existence is problematic. Its creation should be regarded as a challenge and responsibility for everybody who cares about civilized prisons and jails.

In this article we argue for recognizing the importance of investing in the leadership cadre of American prisons and jails. We point out the obstacles to recruitment, development, promotion and retention of leaders for this field. We sketch out some proposals for moving in that direction. We recognize that such proposals need to be fleshed out, that they will not be easy to implement and that that they will not (in most cases) be cheap. At this point, however, we think it is important simply to generate and call attention to goals for leadership development that might attract governmental, foundational and academic interest and support. Working towards these goals would be a major

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49. See CORRECTIONAL FACILITIES, *supra* note 10. In 2000, 357 prison facilities were operating under consent decree or court order, the most common reason being overcrowding. Perhaps because of the Prison Litigation Prison Litigation Reform Act, Pub. L. No. 104-134, 110 Stat. 1321 (1996) (codified at 11 U.S.C. § 523; 18 U.S.C. §§ 3624, 3626; 28 U.S.C. §§ 1346, 1915, 1915A; 42 U.S.C. §§ 1997-1997h), the number of prisons under court order for staffing, counseling, library services or food services decreased dramatically since 1995. CORRECTIONAL FACILITIES, *supra* at 9.

contribution to addressing a major national problem. The human infrastructure of corrections must be considered a national resource; nurturing and improving it must become a national goal.