



**U.S. Department of Justice**

*National Institute of Corrections*

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*Washington, DC 20534*

### **Technical Assistance Report**

November 1, 2012

**NIC TA NO.:** 11P1035

**Project Title:** Onsite Assessment re. Cross-Gender Supervision in Correctional Facilities

**Submitted to:** Mr. Kim T. Thomas, Commissioner  
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## ON-SITE VISIT TO ALABAMA DEPARTMENT OF CORRECTIONS JULIA TUTWILER PRISON FOR WOMEN

September 26-28, 2012

**Reference: NIC Technical Assistance Request 12P1031**

### I. Initial Request

NIC Technical assistance was requested by the Alabama Department of Corrections (ADOC). Since 2005 NIC has been assisting ADOC in developing policies and procedures to comply with the PREA. ADOC has been working to ensure that their operations reflect current standards with respect to managing women offenders. ADOC requested technical assistance to conduct a review of facility operations at the Tutwiler Prison for Women and make recommendations to administration on additional steps that can be taken to reduce inappropriate staff conduct with female offenders and create a safer, healthier environment. The assessment was not an audit, but rather an opportunity to document **strengths, challenges and observations** as it relates to sexual safety and gender informed practices.

### II. NIC Consultant Team

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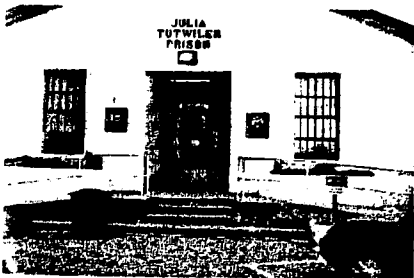
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**Note:** Consultant Bios provided in Appendix

### III. Background/History of the Facility



Julia Tutwiler Prison for Women was completed in December 1942, at a cost of \$350,000 and had a capacity for 400 female inmates. The newer Tutwiler Prison replaced an older Tutwiler Prison for Women, which had been the state's first prison, the Wetumpka Prison, since it primarily maintained female inmates.

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The facility was named in honor of the "Angel of the Stockades", Julia S. Tutwiler, a noted Alabama educator and crusader for inmate education, classification, and improvement of prison conditions.

Since Tutwiler has a death row, it is a maximum-security prison. Tutwiler is also the receiving unit for all in-coming female inmates. The prison has nine dormitories, segregation and isolation units, a medical infirmary, and units for inmates, who are pregnant, HIV positive, or aged and/or infirmed. In addition, Tutwiler has an auditorium, a chapel, substance-abuse treatment, and administrative ancillary services. Tutwiler's clothing factory manufactures inmate clothing items for the Department and county jails.

In 2003 Tutwiler was overcrowded. During that year a judge declared that Tutwiler's conditions violated the U.S Constitution.

In 2012 the Equal Justice Initiative (EJI) filed a formal complaint with the U.S. Department of Justice alleging evidence of frequent and severe officer-on-inmate sexual violence.

#### IV. Preparation of Work:

Four consultants comprised the assessment team. The team has considerable experience in assisting systems to work more effectively with women in the context of gender sensitivity and sexual safety; helping staff discover the best strategies that work for them in their unique setting.

Before arrival at the site and while on site, a variety of policy and procedural documents and memoranda provided by the Alabama Department of Corrections' (ADOC) staff were reviewed. Comments regarding these reviews are included under specific areas in the Summary of Observations.

It should be noted that Commissioner Kim Thomas was personally involved in the discussions preceding the assessment and communicated with staff and inmates at the facility via memorandum and in person, to convey the purpose of the site visit. A series of telephone contacts and discussions were held with ADOC leadership to establish the scope and methodology to be utilized during the assessment.

- V. Methodology: Consultants established an agenda for the three day site visit in conjunction with Frank Albright, Warden. (**Attachment A**) The assessment consisted of an entrance meeting with Warden Albright and his Executive Staff, followed by a tour of the main institution and annex. During the three day period, individual interviews with selected members of the Tutwiler staff were held. In order to obtain a balanced assessment of the operation, several focus groups were also held with a cross section of staff representing custody, non-custody, and supervisory personnel. In addition focus groups were scheduled with two groups of inmates and community volunteers.

- VI. Focus Groups The focus groups were conducted using established protocols and the names and identities of the participants were not captured to ensure anonymity. Their responses were utilized as one source of information to assist consultants in exploring/assessing policy, operations and institution culture. As a part of the focus group the following activities occurred:

## A. Staff Focus Group Exercise

### Word Association Exercise

Participants were asked to write down the first thing that comes to mind when they heard the following words spoken by the consultant. The purpose of the exercise is to provide quick identification of areas that may be "hot button" issues for further discussion within the group. Written responses are analyzed to determine patterns and variety of opinions across these issues. The words chosen for this exercise were announced quickly, allowing participants a brief period to record their "first" reactions. The words chosen for this exercise were:

Facility Management Team  
Male Offender  
Female Offender  
Investigations  
Staff Morale

Inmate Programs  
Health Services  
Inmate Work Programs  
Staff Training

The words were chosen to elicit opinions and perspectives on a sampling of areas that may affect the effectiveness of the staff functioning in productive ways. Some words are used to gain insight into the participants' understanding of the organization of the agency and relevant to the subject matter being explored.

## B. Guided Written Question

This exercise consists of eliciting participants' thoughts about how they would improve the management and operation of the facility.

Participants are asked to write their response to the following question:

- 1) If you were sitting in the Warden's chair and could do anything you wanted to improve the effectiveness and "health" of the facility, what are the three most important improvements you would make?

Comments and responses from both staff and inmates during the focus group process are analyzed and are used in part, as a basis for observations throughout the report. A summary of the Guided Questions is provided in **Attachment B**

## VII. Summary of Observations

### Domain 1

#### LEADERSHIP AND PHILOSOPHY (AGENCY-LEVEL AND FACILITY-LEVEL)

**Factors Considered:** Agency-level oversight has been established for gender-responsive and evidence based principles and practices; Facility goals and objectives clearly acknowledge the importance of evidence-based and gender-responsive principles; The facilities written policies and procedures have been operationalized to reflect the importance of evidence-based and gender-responsive principles.

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## Strengths

There is a sense from both the leadership of the facility and many of the staff that they are there to help improve the lives of the offenders under their care. Some staff noted that they were there to "Rehabilitate offenders" while others indicated that their "mission is twofold, first it is to help serious offenders (LOP) understand pathology & self, and female facilities are here to help rehabilitate." Staff also seemed to understand that they could have a positive impact on the lives of the female offenders. They noted, "There are some very positive things we can do here." The inmates seem to believe that based on the fact that the facility has two new captains that things at the facility will improve.

The Warden seems to have taken the role of physically being the leader to heart. He openly appears to accept responsibility for his actions and that of his staff.

The Non-Security part of the Management Team seems genuinely interested in following the rules of the facility and the Department as presented to them. They also appear to be following what written guidelines they have as it relates to their area of expertise/responsibility.

The Security part of the Management Team seems to have a tight and cohesive structure with the Deputy Warden and Captains leading the way.

The staff acknowledged that they supervise female offenders and that this supervision is different from the supervision of male offenders.

## Challenges

A number of ADOC staff has participated in several NIC Specialized Training programs focusing on the Management of Women Offenders and Staff/Inmate Relations (Staff Sexual Misconduct). A review of the attendees at these sessions reflects that these were primarily management level staff at the institution level. While the focus of these sessions has been gender sensitivity and sexual safety for staff and inmates, systemic changes would require policy review and amendment at the departmental level. Prior to this assessment it does not appear that Central office has fully embraced or understands the significance of gender issues. Consultants' conversation with departmental administrators tend to indicate that they have been more focused on consistency than the fact that women are different, although there is research to support the value in considering the difference when planning for programs and services.

Overall policies reviewed and practices described by staff do not reflect gender principles to the extent that they should, as evidenced by many issues that will be described in the Domains that follow in this report.

It appears that the Warden has tried to be a champion for women's issues but has been unable to affect changes due to the lack of personal, physical and fiscal resources at his disposal. The age and design of the physical plant, overcrowding and inability to recruit female custody staff as well as deferred maintenance have all contributed to a very difficult physical environment to manage. The result has been staff frustration, low morale and a dependence on a "control management style" to manage daily operations. Consultants observed that some senior staff at the facility appears to have little time for inmates. They seem to see inmates as a nuisance and exhibit that by body language and giving orders rather than listening.

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Neither staff nor inmates view the leadership of the facility (primarily the wardens and the captains) favorably. Staff indicated that the facility leadership "needs restructuring." They noted that the leadership was "Unprofessional" and the style of leadership was best described as "Micro Management." "It is a fear driven leadership," "Oppressive for both staff and inmates." They claimed that the culture was one of "Intimidation and undue harshness".

Based on the limited scope of this assessment, Consultants have no way of confirming this information however, staff and inmates report that inmates have been disciplined without due process on occasion and they provided specific examples. Although Consultants were not able to verify their statements, if true this situation is problematic. Even if this is just a perception, it was so pervasive as to suggest that further evaluation in this area is warranted.

Although the Warden and the Senior Management Team clearly understand they are responsible and are the leaders of the facility, it appears they don't understand the importance of explaining policy and procedures to those who work for them. They have taken no steps to address the "people" part of managing the facility. They do not seem to value the importance of listening and interacting with the staff. There does not appear to be a genuine pathway to express disagreement or have a productive discussion to achieve the best results.

It appears there is a culture of certain Captains, Sergeants and Officers who have their own set of rules as it relates to managing the inmate population; while there is another group of the same level staff who try and manage with a more humane approach. As a result, there appears to be a distinctive division in supervision.

The staff does not truly understand what gender specific or evidence based guidelines and pathways are and clearly are not using them to manage the facility staff or inmates.

## **Opportunities**

The core custody staff (Correctional Officers), substance abuse, medical and mental health staff appear to be ready and willing to receive direction in managing the facility. Overall they have a positive attitude toward each other (within the discipline) and the facility (mission as it relates to both staff and inmates).

This staffs members seem to be eager to learn discuss and implement appropriate philosophy and procedure that is taught and explained. It appears a comprehensive training agenda that focuses on evidence based and gender specific policies, procedures and philosophies would be welcomed.

From an agency point of view, there is an opportunity to re-write the entire SOP and post orders for all of the facility to recognize to acknowledge gender sensitivity.

## **Domain 2 EXTERNAL SUPPORT (SYSTEM, STAKEHOLDER)**

**Factors Considered :** *Funding is available to support evidence-based and gender-responsive practices and Community partnerships are encouraged and valued.*

### **Strengths**

There appears to be a large (over 300) volunteer base within the area of Religious services.

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These partners appear to enjoy coming into the facility and serving the inmate population. Inmates made positive comments on their interaction with the volunteer community.

## Challenges

Consultants were not able to discern whether or not there was recognition in central office of that operating a female facility may have some cost differential in some areas from male facilities.

Consultants did not observe or hear of many formal MOUs with community partners. There did not appear to be a formal community advisory group.

The relationship with the volunteers appears to be solely based on the Religion or denomination. There does not appear to be a focus on training in the philosophy of gender specific interactions and PREA. When specifically asked about PREA the volunteers were unfamiliar with what that entailed.

The volunteers report to the Warden. Their interaction with the Chaplain is through email or when the Chaplain is present during a service or group. All direction and rules are primarily given by the Warden/Deputy Warden. The example given by the volunteer was the Deputy Warden led a training session that discussed the dress code. It was directed that women could not wear sleeveless or spaghetti strap top; but the Deputy Warden given the training was wearing a sleeveless top. The volunteer stated, "That didn't seem right".

There was no evidence that the volunteer community was a part of a cohesive group or was given direction or opportunity to have a role in the mission and philosophy of the facility.

## Opportunities

The volunteers expressed a willingness to take any and all training given. They were very responsive and asked questions as Consultants I gave a brief overview of what PREA was and why it was important. They also appear to care about the inmate population and their well being.

There is also an opportunity to have a volunteer network where they could have interaction with each other and focus on a communal approach to providing a support system for the facility and inmate population.

## Domain 3: FACILITY

**Factors Considered:** The facility is assessable to the Community and the families of women offenders; Safety and security parameters respect women's (limited) need for privacy; the physical plant is clean, functional, comfortable, safe and secure.

## Strengths

There is identified space for mental health treatment, medical treatment and religious services.

There were awareness posters pertaining to sexual violence displayed throughout the facility.

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The facility has an established visiting problem for the women to be able to see their family members.

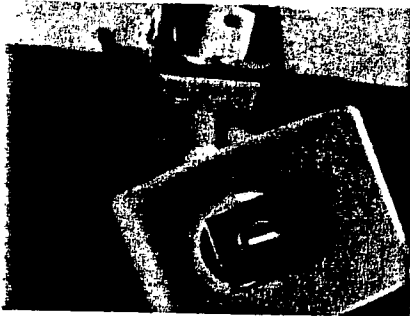
## Challenges

Although Tutwiler was built and designed for women offenders in 1942, the current design layout and population levels of the facility are not conducive to managing a female population. The physical plant layout is not conducive to reinforcing privacy, safety and security protocols of an inmate population and more specifically, the female offender. Except for the Mental Health, Medical and the addiction services dorm, all of the general housing dormitories are open bay units, accessible from a main corridor. The Dormitories are separated from the main corridor by barred doors and walls.

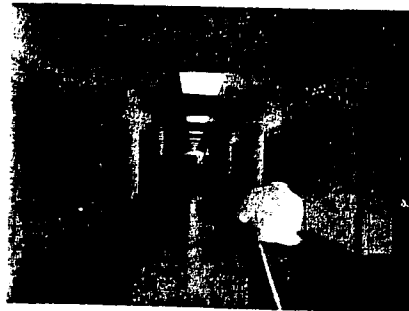


The housing units are maximized in their capacity (115 – 150) as far as space is concerned. The maximum use of the space does not leave adequate dayroom and/or socialization space for the housing population. It appeared to be enough space in the housing areas for 4 to 8 chairs only. There is no day room space in the housing units so inmates are forced to stand by the bars or sit on their bunks during in-house recreation time. Because there is limited programming space, only a small percentage of women are able to attend programming and spend a fair amount of time in the dorms. The limited relaxation space means that inmates, when in the housing unit, have only one option and that is to sit upright on their bunks with no back support.

There is a lack of security cameras monitoring major areas of inmate traffic. There are eight newer cameras in the Mental Health unit; however, at the time of our visit only seven were viewable in the Mental Health unit's control module. There are old antiquated cameras throughout the dormitories and the corridors, yet none of these cameras are operable or viewable. A few staff members mistakenly believe that the warden is able to access them from his office.



**Example of Inoperable camera**



**No cameras in Education building**

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Staff is able to observe the housing units from the main corridor. In addition to the fact that inmates have no privacy from the main corridor, there are also no privacy barriers where inmates can change. The New Bathrooms and showers that were redesigned to accommodate ADA inmates, have open showers and toilets where inmates have no privacy from each other and no privacy from staff, including male staff.

The design of the bathrooms in all housing areas is not conducive to observing, monitoring and responding to possible PREA concerns and/or violent outbreaks.

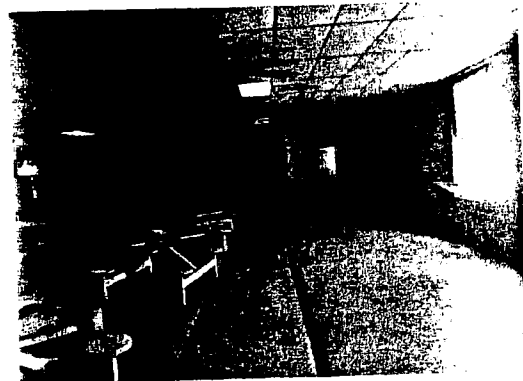
The facility was under construction at the time of our visit, as they were attempting to make the facility ADA compliant. In addition to the construction, sanitation levels at the facility were not up to standards.

Many of the new toilets were found not to be operable. Also, because of the construction being executed at the facility, the counseling and business office staff currently have to walk through the medical examination areas to access their offices.

The majority of the staff at the facility are males and although the Warden indicated that there is a knock and announce policy before male staff enters the bathrooms; male staff was observed entering these areas without announcing their presence. We could find no systems in place to ensure the limited privacy of the women offenders.



Shakedown area for inmates returning from Education/Vocational Training



Visiting area: Inmates are strip-searched by far right wall utilizing panels at rear of Photo

As an example, inmates returning from the vocational shops and inmates being processed after visits are strip-searched in groups with no privacy dividers between inmates. The visiting room has steel institutional table with attached steel stools in an area that is partially under construction. This is not an area that is conducive for interactions with families, especially children.

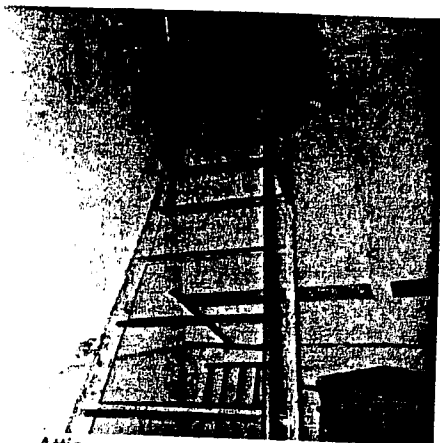
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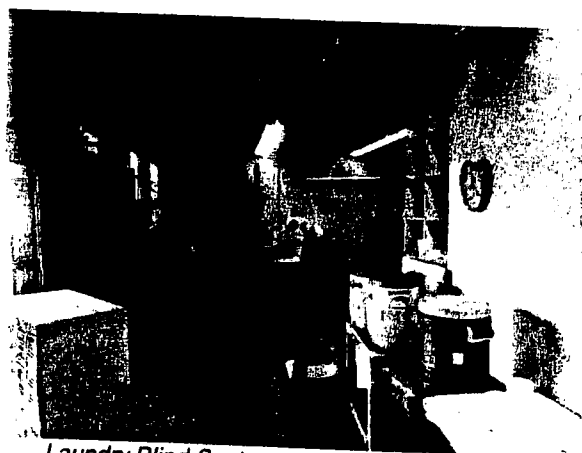
There are four Death Row cells that are separated from the main corridor by solid doors. Although there is no staff member assigned specifically to Death Row, the corridor officer is responsible for touring that area every fifteen minutes. Because of staffing shortages that officer is often responsible for supervising the adjacent housing units as well. When staff is conducting their 15-minute tours of Death Row, they are behind solid doors with no way to substantiate their activities while in this area. Management staff indicated that one officer had been terminated for engaging in sexual misconduct with a Death Row inmates a few years prior. However, the physical structure that enabled that behavior was never modified to minimize the possibility of future occurrences.

Blinds were found on windows in several office areas. Office privacy is not necessary in prison. Professionalism and security can rise above the perceived need of privacy. Many acts of staff sexual misconduct have occurred behind blinds. This was brought to the attention of the wardens at the time of our visit and Consultants were advised that they would take immediate steps to correct this situation.

The physical facility does not stress cleanliness and sanitation as a standard. It appears the standard environment is one of disarray and acceptance of unclean space and therefore does not reinforce physical and/or personal safety of inmates or staff. In addition access to areas where inappropriate activity could occur was in evidence in several areas throughout the facility.



Attic access-no cameras



Laundry Blind Spots- no cameras

## Opportunities

The management appears to be receptive to guidance from NIC and other sources that guide them in the implementation of policy and procedures that are gender responsive.

The assessment team interacted well with the staff and management team. During those interactions and conversations several observations were communicated. These observations included staffing patterns, use of space, gender responsive policy and procedures, physical plant functionality and security parameters within a female facility.

The Death Row solid door issue noted could be mitigated by either placing a camera in this area. As an alternative the management could mandate that the door be kept open during rounds or

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replace the solid doors with a door with a window that allows for observation from the main corridor when tours are being conducted.

The warden indicated that plan to place security cameras in critical area throughout the facility had been devoted and funds allocated. However, prior to implementation, the funds were diverted to other competing priorities. The agency may want to revisit this issue in light of the many blind spots that were identified within the facility and to increase staff accountability.

Some additional attention should be paid to the overall cleanliness of the facility.

#### **Domain 4: MANAGEMENT AND OPERATIONS**

**Factors Considered:** The facility has a clear commitment to the implementation of gender-responsive and evidence based principles and practices at all levels of operations; There is an infrastructure for the oversight and implementation of gender-responsive operational and security practices; The facility management is assessable to staff and women offenders; The daily schedule is structured and gender-responsive..

#### **Part I- Gender Informed Practices**

##### **Strengths**

Several managers have attended the NIC program "Operational Practices in Women's Prisons"

The ADOC requested this assessment and therefore demonstrates a willingness to further their knowledge regarding appropriate treatment of women offenders.

The local administration is present and frequently tours the prison complex.

Some staff and Administrators are viewed positively

Recently the facility has discontinued the use of the flimsy one piece sleepwear in favor of a two piece modified sleepwear for the population. The material used is somewhat more substantial and provides better coverage. The warden also stated that he had modified the allowable property list to account for toiletry and personal hygiene items for the offenders. These changes, they report, were in response to feedback they received during NIC sponsored training regarding the management of women offenders

The staff appears to be willing to receive guidance and training in all aspects of this Domain

##### **Challenges**

Consultants did not observe any "substantial" commitment to the implementation of gender-responsive and evidence-based principles and practices at this facility. To the contrary, some staff and inmates report that the inmates at this facility are treated in a repressive and despotic fashion. A staff member noted that women with trauma histories are sometimes yelled at and threatened which could exacerbate their condition and contribute to Post Traumatic Stress Syndrome (PTSD) in some cases.

Facility staff report that women are required to cut their hair upon arrival to the facility and must maintain a hair length that is above the shirt collar. The stated reason given by facility staff is

"This is the way it has always been", and "it is due to the need for proper sanitation/hygiene". This was a matter of great concern to the inmates and appears to be further exacerbated by the fact that haircuts are reportedly sometimes done by other inmates with little or no experience in barbering.

Inmates have limited storage space for their personal items and allowable commissary and legal materials. They are allowed one storage drawer and a mess bag for laundry that can only be half filled. Consultants noted that not every inmate has equal storage space depending upon whether or not she is assigned to an upper or lower bunk, because the drawers are not the same size. Consultants observed that given the allowable property and the commissary that an inmate can have per policy, the space allowed is inadequate. In order to accommodate personal property, to include commissary and legal materials, inmates often have to store some items along with their soiled clothing in the mesh bag. This is unsanitary and the subject of much concern to the population. Additionally, upon inspection by staff, an inmate can receive a disciplinary write up for violation of policy. This appears to be a catch twenty-two situation where allowable personal property is not accommodated by providing adequate storage space and then can be cause for disciplinary action.



Inmate uniforms are white tops with white pants / slacks with Alabama Department of Corrections stenciled on the back. Their uniforms have to be washed in the main laundry, which leaves them looking threadbare and dingy. The laundry schedule allows uniforms to be washed one day a week, which means if the inmate is wearing one uniform, she can launder the remaining two. Thus, the inmate does not have access to a clean uniform daily. Depending upon her work assignment this is even more problematic. The same goes for personal clothing which must be laundered once a week in the main laundry. Inmates do not have washers and dryers in the units and the buckets they used to use to wash their cloths have been removed from the units. This process does not take into account the personal hygiene and sanitation requirements for menstruating women.

As noted above, there are no privacy panels in the housing units or in the inmate bathrooms. There are several cloth panels that are used to afford inmates privacy from male staff when they are strip-searched after visits, however, multiple inmates are strip-searched simultaneously in this area.

Also as previously noted, the inmates do not feel that the facility management staff is accessible or approachable. Additionally, feedback from the various focus groups points to an attitude of "bullying" on the part of the leadership towards staff and inmates. This they say creates an oppressive environment for staff and hinders programming opportunities for the inmates.

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Due to the lack of cohesive and well thought out policies and procedures to govern inmate clothing, commissary and program services; retaliation against the inmate is of great concern. The environment appears to be very quid pro quo oriented and potentiates the ability to accommodate abuse, coercion and intimidation. Additionally, the inmates do not have a formal grievance process and whatever informal process that is present may work depending on who the inmate and/or staff is that is a part of the process.

## **Opportunities**

The inmates and staff are available for training.

The methods for laundering inmate clothing could also be evaluated in light of the need for women to attend to their personal hygiene.

Some attention should be paid to the storage space provided for each inmate to ensure that is equally applied and that allowable property can be safely stored and meet environmental and health and safety requirements. In addition, for those inmates that have active legal cases, some accommodation should be mad for storage/access to their legal materials in a timely manner.

A documented method for resolving inmate complaints/concerns should be considered.

## **Part II: Prison Rape Elimination Act (PREA) Policy**

The Alabama Department of Corrections (ADOC) has a policy which addresses PREA related issues – Administrative Regulation 454: Inmate Sexual Offenses and Custodial Sexual Misconduct. Consultants reviewed this policy along with others which touch on PREA related issues, including:

- Administrative Regulation 228: Employee Sexual Misconduct and Sexual Harassment
- Administrative Regulation 208: Employee Standards of Conduct and Discipline
- Administrative Regulation 204: New Employee Orientation
- Administrative Regulation 300: Investigations and Intelligence Division
- Administrative Regulation 302: Incident Reporting
- Administrative Regulation 435: Protective Custody

ADOC has a documented Investigations Process. Consultants reviewed a number of completed investigations and the ADOC investigations policy. Consultants also interviewed staff from the Investigation and Intelligence (I & I) Division, including staff involved in supervising a number of sergeants (PREA coordinators) located across the state who are specifically involved in coordination of PREA related events.

The ADOC does have a hotline for use by inmates in reporting sexual abuse allegations. These hotlines are accessed via the regular inmate pay phone system which is located throughout the facility and in the housing units. Signs are posted in conspicuous locations near the telephones advising them of their right to be free from sexual abuse and the procedures for reporting.

With respect to forensic medical exams investigators state that ADOC uses outside hospitals to conduct forensic medical exams.

With respect to Prosecution, Administrative Regulation 300 makes clear that all cases which could potentially be criminal are referred to prosecutors for a decision on whether to prosecute. Investigators confirmed that this is ADOC practice

## Challenges

Many of these PREA policies have not been updated in a number of years. Administrative Regulation 454 was effective May 22, 2008 and does not include provisions consistent with the recently released final PREA regulations (28 Code of Federal Regulations (CFR) 115, June 20, 2012).

Consultants discussed the process for responding to PREA related incidents or complaints. I & I staff are responsible for monitoring the PREA hotline where inmates can report allegations of sexual abuse. Reports can be made to the ADOC in a number of ways. Administrative Regulation 454 states that "all sexual offenses and custodial sexual misconduct incidents shall be reported to the I & I Division immediately". However, another section of the same policy states that "an initial investigation of sexual assault and threats of sexual assault shall be conducted by a supervisor, to include isolating witnesses and securing the crime scene". In discussions with staff it appeared that the Warden or his or her designee could also assign someone to conduct a "preliminary investigation" if an allegation was received by the Warden's office. Once an investigation comes to I & I, if it involves a PREA allegation it is assigned to a PREA coordinator to begin the investigation. If the behavior is found to be criminal it is reassigned to an investigator with law enforcement credentials.

Consultants had a few concerns about this process. First, it was clear that not all of the steps were written down in a formal policy. Administrative Regulation 302 contains no information about the steps for investigating a PREA allegation. Second, it appears from conflicting language in the policy and discussions with staff that Wardens or others may have discretion to do a preliminary investigation and possibly not refer items to I & I. This does not appear to be the current practice, but policy should clarify this reporting requirement. Third, the policy and practice appears to allow for multiple encounters with potential inmate victims as supervisors, Wardens, PREA Coordinators and other I & I investigators play a role in the investigations process. Multiple interviews with sexual abuse victims can re-traumatize a victim and can discourage cooperation with the investigative process.

Staff and inmate understanding of the investigations process is important to help build trust. Individuals do not trust something they do not understand. Often times it is believed that secrecy helps an investigative process but the opposite is really the case. Staff and inmates are much more likely to cooperate with a process if they understand how it works. It appears there is little review of the investigative process and the work of the I & I Division in either staff training or inmate orientation.

Consultants reviewed a number of investigative reports. The reports were well written and thorough. However, there were concerns about two practices used in the I & I report writing process. First, the investigative report form does not appear consistent with the investigative findings mandated by the PREA regulations. Under the PREA regulations investigations can have one of three results: Substantiated, Unsubstantiated or Unfounded. These three results should be used by correctional entities for reporting investigative information to the U.S. Bureau of Justice Statistics (BJS). The ADOC investigative form contains the following options for labeling an investigation: Criminal, Non-Criminal, Internal, Unfounded, Pending Investigation, Closed or Inactive, Cleared by Arrest, and Not Cleared. In discussing these categories with investigators it was clear that more than one box could be checked, i.e. an investigation could be criminal and unfounded. The categories did not, however, clearly provide for an "unsubstantiated" conclusion and it also was not clear when a case was "substantiated".

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Second, it was clear from discussions with investigators that it is the practice within the ADOC that the individual investigating the case also determines the conclusion of the investigations, i.e. whether it is substantiated, unsubstantiated or unfounded. This is not an investigation best practice. Similar to police work, the role of the investigator is to gather all of the facts and prepare a report summarizing those facts. This investigative report should then be sent to some other, probably higher level official, who analyzes the fact to reach a finding or conclusion about guilt or innocence. If the investigator is also charged with making a conclusion, they may be tempted to review the facts in a way that supports the end result.

Consultants found a significant presence of staff reluctance to report on the inappropriate actions of fellow employees. The focus on staff conduct and lack of confidence in the investigative function within the department has, in some cases, increased their fear of getting involved. Consultants did not get the impression that staff recognized that staff sexual misconduct with inmates is usually preceded by other breeches of professional boundaries, such as inappropriate communications, giving of gifts, providing special privileges etc. These actions are, in and of themselves, a breach of security, and in many cases lead to more serious conduct as the employee either tries to cover up earlier transgressions or continues an escalating pattern of involvement with the inmate(s).

Discussions with ADOC staff also disclosed that while there was general understanding for the necessity of the investigations that are done; these investigations often result in no finding of wrongdoing. The ADOC is allowed to polygraph inmates who make allegations, but there are prohibitions in the law, which prevents them from administering polygraph testing to employees. If the inmate is determined to be truthful in their response to the polygraph test, but the employee denies wrongdoing, there is deemed to be not sufficient evidence to bring a finding of guilty. There were several instances cited where, several different inmates over a period of time made allegations against an employee and were found to be truthful, nonetheless, no action was taken against the employee who maintained innocence.

Departmental staff cites the fact that in some cases where staff has been found guilty, the cases have been overturned in the Administrative review process and the employees are returned to work. Staff fear reprisals if they have contributed to the investigations and the employees are subsequently found not guilty. Specific examples were provided to the Consultants, which suggest that their peers treat staff who report on other staff with disrespect. Consultants had no tangible way to validate the examples that were provided; therefore they are not included in this report.

Consultants attempted to use the hotline from telephones within the facility. On one occasion the hotline connection failed to work. While on site it was disclosed that there were several other telephones that were out of order. This may discourage inmates from making use of this important reporting mechanism. The availability of a viable hotline is a significant component in the effort to afford inmates available means of reporting allegations of abuse and should be maintained in working order.

Although Administrative Regulation 300: Investigations and Intelligence is in place, it does not provide much detail on the decision to recommend a forensic medical exam be conducted. However, in discussions with investigators, consultants were told that forensic exams were recommended if an incident occurred within 48 hours from the time of reporting. Best practice for the use of forensic medical exams indicates that evidence can be gathered within 72 or in some cases 96 hours, after an incident occurs.

The facility was built in 1942 and pre-dates PREA guidelines which have only recently been adopted. In light of this there is no evidence that gender or PREA protocols are recognized in the logistical design of the facility in general and especially as it relates to the housing area,

bathrooms and medical unit. The primary concern is with inmate privacy issues, clothing and socialization/recreation/programming space allotted for the inmate.

## Opportunities

The ADOC should take the opportunity to review all of its policies related to PREA and update them to be consistent with the PREA regulations. The ADOC should consider development of a Standard Operating Procedure (SOP) for the Tutwiler Prison for Women to address PREA issues specific to this female facility.

The ADOC should review its investigative policy and practices to ensure all sexual abuse allegations are immediately forwarded to I & I for review with no discretion for any other entity to defer an investigation. In addition, the practices should be streamlined to limit as much as possible repetitive interviews of potential sexual abuse victims.

The ADOC should develop a more detailed orientation about the investigative process and mandate its inclusion in staff training and inmate orientation.

The ADOC should review its labeling of investigations to ensure consistency with the PREA regulations and ease of reporting to BJS of substantiated, unsubstantiated and unfounded cases. The ADOC should also review its investigative process to ensure that individuals investigating a case are also not making conclusions about the investigative outcome.

With respect to the inmate Hotlines for reporting abuse the Warden should include in post orders for each shift a requirement that staff check the hotline connection to ensure it is working from each inmate telephone and document same. Any malfunctions should be reported immediately to management and brought back on line as soon as it is practical to do so. It should be noted that while on site Consultants discussed this matter with the wardens and received favorable response.

The ADOC should consider revising its timeline for recommending a victim undergo a forensic medical exam and should revise its investigations policy to reflect any new timeline.

ADOC has had some success in getting cases of sexual abuse prosecuted. However, with the publication of the PREA regulations now might be a good time for the ADOC to reconnect with prosecutors around the state to try and build greater support for prosecuting this type of case.

The ADOC should reach out in a formal way to prosecutors in areas with correctional facilities to educate them about the new PREA regulations, ensure they understand the importance of effective prosecutions of these cases for institutional safety and security, and offer to provide assistance in any way from the investigative perspective in putting together a sound case which can be prosecuted.

## Domain 5 STAFFING AND TRAINING

**Factors Considered:** The hiring process has been designed to identify staff with adequate awareness and commitment regarding effective work with women offenders; Staffing patterns supports the operational and programmatic requirements for effectively working with women

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offenders; Staff members have adequate training for effective work with women offenders; All staff are held accountable for effective implementation of gender-responsive practices.

### Strengths

The ADOC has a twelve-week Academy and all uniformed staff is required to attend the Academy. Their officers are POST certified and have limited peace officers powers. They hold academy four times a year due to the length of the academy and physical capacity.

The facility operates on four 12-hour shifts. They have a shift bid based on seniority every December and the new shift rotation starts the following January. There are four squads: A squad Days, A squad Nights, B Squad Days and B squad Nights. Staff works six to six with no shift briefings; they go straight to their assign post for the day. Lieutenants do their own schedules, therefore assigning staff to post. Staff normally work a different post every shift, although in Segregation and in the Mental Health unit they try to keep the same officers for consistency. They also have one Lieutenant and two sergeants per shift. There are four admin officers that work Monday through Friday, 6:30 to 3:00 on specific assignments and one Lieutenant and one Sergeant that work 8:00 AM to 5:00 PM. One female officer is assigned for transport, and Segregation and the Back Gate are gender specific post.

There is a willingness on the part of the volunteers to participate in any training; especially training that is specific to the female offender.

The staff members that are associated with volunteer personnel and other external partners appear eager to participate in any training provided.

### Challenges

The department and the facility indicated that they have been making a concerted effort to hire adequate numbers of women correctional officers for the facility. Despite their best efforts, Tutwiler is still understaffed with women officers. Contributing factors are as follows:

With respect to the academy, Executive staff stated that the following occurs:

- They are able to recruit staff due to the length of time it takes to get to the Academy a significant number of people fall out of the process. In addition, in a class of 100 only about 10% of the applicants will be female and this may drop off if you consider the geographic location of their permanent residence. Many are not from the areas close to the prison location and there is no incentive for them to change their residence.
- In the Academy a significant number of people are lost due to an inability to pass the physical fitness portion of the requirements, primarily women who do not possess the upper body strength.
- As a result staff are allowed to be assigned to the facility to work, once hired, for up to 4-6 months before attending the Basic Academy. This has helped to fill vacancies. At the institution they are allowed to work on their physical fitness skills.
- While assigned to the institution they cannot perform the full range of duties and are considered cadets. These cadets are assigned to shadow a senior employee and must

be at their side at all times. Cadets are not allowed inmate direct contact, or the operation of firearms equipment or inmate transportation duties.

Based on the above the Consultants questioned the benefit of having them assigned before completing the academy. They were advised that the staff vacancies made it impractical to let so many people drop out of the pipeline, based on the down time before coming to work and attending the Academy. While this practice may be of some benefits, if not managed properly, it could also have some unintended consequences. For example when touring the facilities, the Wardens were asked if the cadets were ever used to cover vacant Posts. While they answered that it is not supposed to happen, staffing deficiencies sometimes place the shift commander into a position of making some critical decisions with respect to this issue. They cannot be certain that it has not happened. Placing cadets in positions with inmate contact, without proper training could have some adverse impact on the safety and security of the facility

Although the captains in the facility are women, there is not enough female staff to even cover the gender specific posts that have been designated.

There are eleven posts that they must fill yet they normally only have seven officers to run them. As a result, staff is required to work numerous overtimes. Because of the staff shortages, staff from other facilities will often work overtime at Tutwiler. Staff, both line and management, noted that when the Warden gets frustrated with the supervisors he will change their shifts as a form of punishment. He will often change their shifts two to three times per year. Additionally, some of the female management staff indicated that the male staff at Tutwiler, both White and African American, do not like to be told what to do by strong black females.

In discussing the training that staff receive at the Academy there is little training that is provided relative to working with female offenders. Much of the current research indicates that there is some benefit to understanding the background statistics, history and manner of entry into the criminal justice system for the female offender, for those employees who will be working with that population. Gender responsive programming and training allows staff to utilize the proper communication and management techniques to gain compliance and work effectively with this population.

There is no remarkable training at the facility to prepare staff to work with women offenders. The training that the top management staff at the facility received is limited to NIC's Operational Practices in Women's Prisons. Other than that, there has been no formal training for managers or line staff regarding the supervision and management of female offenders.

According to staff, the inmate population has steadily grown while post and staffing has decreased. We noted that the staffing pattern at this facility does not support the operational and programmatic requirements for effectively working with women offenders. As noted, the facility is so short staffed that, more often than not, male staff from other facilities are able to work overtime at Tutwiler. During our visit we encountered a male officer working the orientation unit, a critical housing unit in this facility, on overtime from a male facility. Upon questioning, he indicated that he had not received any orientation or training on how to supervise and manage female offenders nor had he received any gender specific orientation.

There were no formal training protocols identified by the staff and the staff was unable to clearly articulate what they used to train volunteers or external partners with respect to inmate staff relations, including their role in reporting allegations that are brought to their attention. PREA was clearly not discussed with the volunteers. When speaking with them they did not know what PREA was and report they had never heard of it.

It appears the Warden and/or Deputy Warden had a meeting with volunteers and external partners to discuss a do's and don'ts list at the facility. Although the list used was consistent, the delivery method and components on the list were different.

## Opportunities

Departmental leadership is encouraged to continue their efforts to recruit women staff. They may consider evaluating options such as recruitment incentives to attract more women to the facility. Incentives such as a monetary stipend or acquiring a commitment to be assigned for a designated period of time (1-2 years with a commitment to be reassigned at the completion of their assignment) might be considered and should be evaluated by legal to determine feasibility. Other states have addressed this same concern and there may be some value in seeking other alternatives by requesting technical assistance from the NIC Information Center to research what other states have done.

ADOC should consider requesting additional technical assistance from NIC to institutionalize training in gender sensitivity and effective operational practices for working with women offenders for staff. This could be done either through additional direct training for staff or to provide T-4-T to institution trainers. In addition ADOC may want to apply the send a team to the upcoming NIC program entitled Women Offenders: Agency-Wide Approach, which is geared for departmental leaders and those in policy development/influencing positions. Programming for female offenders has been historically neglected within state correctional facilities. Improving the quality of management in this area often has a positive effect on the issue of inmate staff relations and contributes significantly to lessening incidents of staff sexual misconduct in facilities housing female offenders.

It appears the volunteer base and external partners are willing to attend training and be taught about security, PREA, gender responsiveness and other areas identified as imperative to a healthy prison environment. Therefore it is the perfect time to create a training curriculum and protocols to specifically address the volunteer community and external partners.

## Domain 6: CULTURE

**Factors Considered:** The facility is physically safe for women offenders and staff; the facility is psychologically safe for women offenders and staff; Women offenders have multiple ways of reporting all concerns and forms of emotional/psychological, physical abuse and sexual abuse; Women offenders are involved in program decisions; the staff, offender and staff/offender culture reflect gender-responsive principles and practices.

## Strengths

The inmate population is amenable and ready for a change!

The subordinate staff members are amenable and ready for a change!

The Educational/Vocational component of the facility appears to be a positive entity and popular with the offenders, who view it as one of the best ways to improve themselves and move towards gainful employment and successful re-entry into the community.

The consultants inquired as to the availability of an Employee Assistance program (EAP) program and were advised that such a program does exist, but they received varying descriptions about how employees are advised about the availability of services. Contact with headquarters revealed that there is a viable EAP program and if any staff needs assistance they can contact Behavioral Health Systems via a toll free number or their website.

Consultants received a copy of The Alabama DOC Inmate Handbook, published by the Research, Monitoring, and Evaluation Unit, and dated 2003. This publication is intended to be a guide to all inmates about rules that govern their behavior and sanctions during their stay in prison.

## Challenges

It is obvious that women offenders are not involved in many significant programming activities outside of school. Their biggest complaint is that programming has been severely cut back and entrance into programming is very difficult. Although the Education program is viewed positively, inmates claim, and staff support the fact that there are insufficient classes available to support the needs of the population. For example, the inmates say a significant number of them are illiterate and could benefit from Adult Basic Education (ABE) classes in order to reach a grade point level for entry into some of the vocational programs. Based on classification decisions and the institution criteria for placement in Education there appears to be competition for the same inmates for inside work opportunities, and the institution has the final say. Representatives from the Education Department say they do not routinely participate as a part of the facility management team meetings and mostly get involved with institution management when a problem arises.

They advise that if the institution wanted additional ABE classes, for example they could pursue funding, even if the classes had to be held within the confines of the institution. However, this would require the institution to agree to make space within the facility. There appears to be miscommunication between the two entities and time did not permit a full exploration of where the breakdown lies. However, the facility and Education goals should not be mutually exclusive when it comes to inmate programming and therefore could benefit from better problem solving and communication.

Some of the inmates and support staff indicated that they do not feel physically or sexually safe in this facility. Some of the new showers that were constructed have three showerheads together. Women are forced to shower shoulder to shoulder in full view of an elevated officer's station, with no privacy dividers. Inmates reported that when women are showering, male staff sit in the elevated officer's station observing them. They also noted that they are not given tampons, therefore, when they are showering together women menstruating will leak onto the shower floor, creating a sanitation/health issue for other inmates.

The facility culture is also not psychologically safe for women offenders. The women and staff report that Tutwiler is a repressive and intimidating environment. Inmates reported being in fear of retaliation from staff if they reject staff's sexual advances. Additionally, they report that they feel that they cannot bring their complaints to the administration, as they will be locked down if they annoy or anger some administrators and staff. Here again, Consultants were not able to specifically verify these claims, but note that they were heard across several interviews.

It is important to note that Consultants selected the inmates for the focus groups randomly from the daily roster of names provided by the facility staff. The inmates were not told why they were coming to the group beforehand, but rather found out once the group commenced. They were offered an opportunity to opt out and several did stating "we do not want to be involved for fear of retaliation on the part of staff". They were allowed to leave. Consultants have conducted many

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focus groups and rarely do we find inmates that verbalize an unwillingness to speak. The inmates that remained in the group were asked about the "fear of retaliation". They responded that they felt they had nothing to lose, as conditions were so bad that they were willing to take a chance that something they might say could shed some light on the conditions they have been experiencing.

Women offenders can report sexual abuse via using # 77 on their phones located within the units. The administrative staff indicated that when a complaint is made against staff, the staff member is immediately moved out of the facility. The inmates and support staff on the other hand notes that when inmates lodge a complaint, they are placed in segregation and the staff are left on their post. So there appears to be conflicting perceptions about the process.

Consultants asked whether or not notices regarding EAP were posted throughout the institution for staff information and were provided conflicting information. Institution staff had to contact headquarters for clarification. Staff was unable to locate any posters during our tour. In discussing the EAP program in the focus groups, there appeared to be varying degrees of knowledge about the program availability and services offered. Few employees stated they had ever used the program or knew employees who had. Due to time constraints, the consultants were not able to review any EAP statistics on utilization.

It is generally acknowledged that employees come to the work place with personal and emotional concerns of their own. Many staff currently being hired by ADOC are young and some lack significant work experience. The lack of training about professional boundaries and the stress associated with working in a prison environment serve to create fertile ground for staff problems on the job. Focus groups discussions also point to a concern about the lack of caring expressed by their supervisors. The absence of support from their peers or caring they feel from supervisors exacerbates the problem and could contribute to staff vulnerability with the inmate population.

The inmate handbook is not provided to all inmates, but rather is referenced during their orientation. By policy, a copy is to be placed in the inmate law library, and in facilities not having a law library, a copy of the handbook is to be placed in the office of the shift commander/director or in a place (as determined by the Warden/Director which makes the handbook readily available for inmate use. In discussions with inmates some of them stated they had never seen the inmate handbook nor did they have regular access the library due to limited space. Inmates also reported that Departmental Policies (SOP's) were not available to them. It should be noted that departmental staff report that copies of the non-confidential SOP's should be available in the library on the computer. This information was brought to light on the last day of the assessment and therefore, Consultants were not able to verify if the required material was, in fact, available in the inmate library.

The mandatory directive to have EVERY female offender cut her hair and fingernails upon entry reinforces the lack of gender responsiveness. It also proves to be dehumanizing and with no obvious penological purpose other than humiliation. The inmates wearing white uniforms that are or appear to be "dingy and dirty" everyday reinforces a poor self-image and self-esteem; and is not consistent with gender responsive practices. It also gives the appearance of non-adherence to sanitation and community health standards.

The removal of dresses, knitting/crochet materials and programs reinforces a lack of attention to gender appropriate options within the prison.

## Opportunities

Although ADOC staff describe that an EAP program is in place, it is recommended that the ADOC review the current Employee Assistance Program with a goal to determine its effectiveness. Additional effort should be made to make information about the program available to employees.

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Steps should be taken to insure that supervisors make proper referrals when they observe red flags in employee conduct that could signal personal problems, and which if left unchecked, could lead to staff vulnerability. A periodic confidence check of the system should be conducted to determine if staff are accessing the services, and if not, why not. Identification of barriers and program adjustments may be required on an ongoing basis.

Staff reports to use of an inmate forum, with representatives from each unit, to inmate discuss issues of concern. While this process may be in place, it is not codified in policy and there are no formal records. ADCO should consider adopting a more formal inmate staff communication forum with specific guidelines that could be evaluated after the fact should issues of concern arise.

Steps should be taken to ensure that the inmate handbook is up to date and reflects the most current information available. This material should be made available to inmates so that they are aware of the standards to which they will be held accountable. The same is true of the SOP's. Facility staff should ensure that the non-confidential policies are available in the law library.

### **Domain 7: OFFENDER MANAGEMENT (SANCTIONS, DISCIPLINE)**

**Factors Considered:** Formal procedures exist that allow staff to proactively motivate women offenders; Clear mechanisms exist to support women offenders who are struggling; Sanctions and disciplinary actions and all response to unsafe women offender behaviors reflect gender-responsive principles and practices.

#### **Strengths**

Inmates receive an orientation when they arrive at the facility. An orientation checklist is provided.

An inmate forum is held periodically with the warden and inmate representatives from each unit to discuss issues of concern. Inmates can submit issues in advance of the meeting.

Some limited self-help programs are provided to address inmate needs.

There are a number of religious volunteers who provide support and guidance to the inmate population.

There is written policy with respect to the disciplinary process.

There is an Institution Liaison that is responsible for overseeing three of the four women's prisons.

#### **Challenges**

Inmates have no trust or confidence in the grievance or the DR appeal process. There were multiple reports from staff and inmates that offenders were placed in segregation without due process simply because they annoyed or irritated someone in the administration. There is also a perception that offenders are placed in segregation for making PREA complaints. Although I did not conduct a full review of the disciplinary process, inmates noted that disciplinary regulations have changed and they have not been made aware of those changes; yet, they are being held accountable for those new rules. Inmates do not feel that the disciplinary process is fair and there are no mechanisms to help them follow rules but rather to catch them doing something wrong.

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## Opportunities

ADC should evaluate the disciplinary procedures to ensure they are in line with departmental policies and provide due process for the offenders. In addition, staff that violates the process should be held accountable.

ADOC should explore the feasibility of placing all of the facilities housing women under one Institutional Coordinator to ensure consistency in operations and to facilitate the movement of inmates between the facilities.

## DOMAIN 8: ASSESSMENT/CLASSIFICATION The facility's risk/needs/strengths assessment is gender-responsive.

**Factor Considered:** Women offenders are assessed to identify those who exhibit predatory behavior or show vulnerability to aggressive sexual behavior; the facility's risk/needs/strengths assessment is gender-responsive; management

## Strengths

The Classification Director has a clear grasp of the Classification Manual and follows the guidelines set.

## Challenges

The staff expressed concern that the management micromanaged them in terms of addressing inmate complaints. The standard is that the management will "tell" the classification staff what they are "going" to do to address the inmate's complaint. The staff express that many times if they were given the room to address the issues, they could do so without having to re-address the issue at a later date (which they report they are often doing now in this system of micromanagement).

Although the process of interviewing the inmate includes questions related to sexual abuse, sexual vulnerability, sexual aggressiveness, predatory behavior and/or sexual offences, the answers have no bearing on housing, program recommendation or outpatient mental health treatment. The overall risk needs assessment tool has no true purpose at the facility since other entities determine what is appropriate for the inmate (housing, program participation, mental health, etc.)

The facility can house inmates that are as young as 16 years old. The classification process does not change for this population and there are no special considerations given to youth offenders as it relates to housing, education, treatment or program structure.

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The classification process identifies an inmate in close custody as an inmate who **MUST** be housed in segregation. Although behavior can place the inmate in segregation, **ALL** inmates classified as close custody **MUST** be housed in segregation.

There is a 45 – 50% over ride in custody levels primarily due to the close custody assessment process.

### **Opportunities**

The classification section appears willing to adhere to all guidelines given. Training would be well received in this area.

## **DOMAIN 9: CASE/TRANSITIONAL PLANNING**

**Factors Considered:** The facility's case/transition plan instruments are comprehensive, addressing both gender-specific and gender-neutral need areas; in the continuity to community supervision, there is an effort to ensure continuity in case planning and information sharing; Women offenders are actively involved in the case management process.

**Note:** Time did not permit exploration of this domain. However, Consultants did observe that there are very few case managers in the facility. Each one of the case managers noted that they have over 200 inmates on their caseload. From what I could gather very little is done to do case management and the case managers spend little to no time with the inmates.

## **DOMAIN 10: RESEARCH BASED PROGRAM AREAS**

**Factors Considered:** Services (DOC or Contractual) manage women's health needs in a gender-responsive manner; Services manage women's mental health needs in a gender-responsive manner.

### **Strengths**

There are vocational training classes offered.

Visitation does occur for the inmate population.

There are some self-help classes offered to the population.

Mental Health Services offers a Residential and outpatient program.

There is a Substance Abuse program on site that was originally designed for women offenders.

### **Challenges**

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The vocational programs at the facility are very popular with the inmates and educational staff is very passionate about working with the inmate population. There are traditional vocational programs such as cosmetology but there are also some non-traditional vocational programs such

as welding. The biggest problem noted is that there are not enough programs for the vast number of inmates in this facility and some require a certain level of academic achievement as a prerequisite.

There does not appear to be programs and/or self-help groups that address traumatic concerns.

The underdevelopment of the self-help program structure through mental health, religious services and/or the classification system has led to a culture that does not emphasize inmate personal safety, psychological wellness or emotional wellness. Specifically, mental health outpatient services only provides 3 group sessions per day (4 hours in length) with a maximum of 19 participants. Within the prison setting, this structure does not maximize a variety of programs to be offered; is not conducive to serving the more than 900 women at the facility; is not designed for maximum affect because the 4 hour structure is not a best practice model (50 minute – 1 hour group sessions are widely accepted in the mental health field). Finally, the mental health practitioners expressed great concern with their program structure, participation number and office allocation being based solely on the facility management team's desire and not based on acceptable practice guidelines or confidentiality.

Staff reports that the Substance Abuse program abandoned the program designed that was gender specific and is now using the state approved program.

There is no written test to evaluate substance abuse programming needs.

The Substance Abuse program operates under the premise that all interactions between inmates and counselors are confidential but that is not completely true, because the management (all levels) can see any and all documents if requested. Also, this information does not fall under HIPPA guidelines.

The Substance Abuse Manager is not invited to the Warden's meeting or any other staff meeting with other disciplines.

The Substance Abuse staff agreed that they felt if "they had a problem" they were viewed as the problem by management.

### **Opportunities**

The staff in all of these areas is eager to learn and appear to be willing to receive training in any and all aspects that will assist in the improvement of inmate programming (employment/education skills and coping).

## **DOMAIN 11: SERVICES**

**Factors Considered:** Services manage women's mental health needs in a gender-responsive manner; Transportation attends to women's medical and trauma issues, Food services account for women's unique nutritional and caloric needs

### **Strengths**

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There are designated Mental Health and Medical services (both are primarily contract).

There is a law library on site.

## Challenges

Because the facility is under construction the medical unit is being used as a thoroughfare for staff and inmates accessing the counseling area and the business office. It therefore negates privacy issues in the medical unit and creates an environment that is not conducive to treatment. Inmates also had numerous complaints about medical services at facility.

The most modern part of the facility is the mental health unit. It has a custody staff assigned to the units and one to the units control center. This unit has the only internal operable cameras in the facility. Although the unit had eight cameras, at the time of our visit, only seven of them were observable on the monitors.

The menus for the food services department are reportedly generated from a central dietary service that makes no allowances for women's unique nutritional and caloric needs.

Inmates noted that food service is an area of contention. They noted that they are given less than ten minutes to consume their meal and that staff start to yell at them to finish within moments of entering the dining area. Many finish their meals while walking to the trash receptacles to empty their trays while on their way out of the dining hall. The capacity of the single dining hall is not of sufficient size to accommodate the current population level having reasonable time for meal consumption.

The Administration states that often inmates are transferred to the facility from other facilities for medical treatment, but their medical files are not transferred with them. Treatment, they say is sometimes delayed because there is poor or no communication about the basis for the transfer. A case in point occurred during our visit where the mother of an inmate called to inquire about a serious medical procedure that her daughter needed and questioned why it had not already been accomplished. In checking, although the patient had arrived at the facility, the necessity for the transfer and emergent need for the procedure had not been clearly communicated.

There is no open forum for discussion as it relates to the treatment of patients and how that treatment can co-exist with the Correctional staff and protocols.

Mental Health staff report the management of the facility is "in everything" which impedes the treatment of the patient.

The staff's clinical expertise cannot stand up to the management's point of view. Both medical and mental health staff report they are questioned repeatedly as to why they are seeing certain inmates. No relevance is given to the FACT that the inmate in question is a patient and has the right of confidentiality. This lack of confidence may result in a delay in diagnosis which may result in an unnecessary increase of morbidity and mortality. Management reacts by "forbidding" you from seeing the patient in an area other than where they said you could. They report that this attitude by the management is "ignorant and reflects a lack of education about their fields".

Neither medical nor mental health staff truly understands PREA. They expressed that it was over reported because it is many times consensual. However, they did state that when an inmate is "truly offended" they would report if it was reported to them; but the inmates did not report it out of fear for retaliation. They have accepted that they must report it and that is ALL they have to do. They expressed no concern of the actions taken or actions not taken.

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When asked about programs or groups to address sexual victimization the mental health staff reported, "No there weren't any because the inmates are manipulative".

Staff reports the prison is a place of exploitation because the management wants to keep the facility "closed" and contain the "secretes" within the walls.

Gender specific training has not been provided for medical or mental health staff.

There does not appear to be a Victim Services section or personnel within the facility.

There is not a dietitian associated with the facility. The food menu does not appear to take gender into consideration.

## Opportunities

The medical and mental health staffs who work on site and the representatives from the central office appear to understand the concerns discussed about PREA, training, gender responsiveness and self-help programs. They were very positive with the idea of receiving training in these areas.

There is indication that better protocols and communication between custody and medical /mental health could improve the delivery of services to the inmate population.

Consultants suggest that the feeding schedule and ability to accommodate adequate time for consuming meals should be evaluated with the goal of researching reasonable alternatives

## VII. CONCLUSION

The consultants wish to thank the Alabama Department of Corrections for their warm reception and candid discussions of these critical issues. We found the leadership available, interested and appropriately concerned about identified problems.

The staff members we experienced at the Tutwiler Women's Prison were professional and caring and expressed their genuine desire to learn ways to implement standards of professionalism and quality management of their system in a safe secure manner. The recommendations contained in this report are intended to be guidelines for reference in assisting the ADOC. Time did not permit a full exploration of all of the contributing factors. Therefore, this information should be utilized as one segment of an ongoing evaluation.

The problem of sexual abuse of inmates by prison staff has long been of concern to correctional administrators, but in the last decade has come to the forefront and gained greater public attention. Highly publicized incidents have focused the attention of correctional administrators and those concerned with the criminal justice system on inmate staff relations. NIC has been in the forefront of identifying best practices and assisting agencies in managing/addressing Staff sexual Misconduct/PREA and Gender -Sensitive issues.

It may seem difficult to understand why staff cannot understand the simple concept "Don't have sex with inmates". The reality is that most staff members do understand and would never jeopardize their professional duties. However, the boundaries between staff and inmates can become blurred. If, for example staff feel isolated or verbally abused themselves, then they may become vulnerable to over-identification with inmates. Similarly, inmates do not leave their emotional needs or needs for the basic comforts of life in the courtroom when they are committed to prison. Whereas the early training for clinical staff such as psychiatrists and social workers

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includes discussions of issues surrounding boundaries in working with prisoners, training for correctional staff typically does not.

Correctional staff is continually in close contact with inmates, but little of their training is neither gender specific nor focuses on understanding the gender differences of the female offender population and her needs. Staff and inmate interactions must always be understood in the context of an environment that is a paramilitary structure with clear roles of custodian and inmate. While investigations and holding staff accountable are essential aspects of correcting this problem, it is important to note that the environment created by the factors stated above create fertile ground for the ongoing presence of this type activity.

The ADOC is encouraged to continue the work of the staff who participated in the NIC Special Issues program, "**Women Offenders: Developing an Agency Plan**" and "**Investigations of Staff Sexual Misconduct with Inmates**". In addition, it is suggested that the department consider the establishment of an ombudsman position to work with the female offender program in resolving issues of concerns, inclusive of sexual misconduct allegations.

As a result of this review and with the support of the ADOC leadership, the agency is in a good position to continue to make changes to improve outcomes for their criminal justice involved women. Consultants note that there have been some resources and staff time from headquarters devoted to addressing these issues prior the assessment and a commitment made during the exit briefing to continue to explore improvements.

Despite the numerous conversations in planning this event, the range of materials that were reviewed, the three days on site touring the facility, and meeting with a wide range of individuals - it is difficult to fully appreciate all of the nuances and complexities of the system. There may be information contained in this report that has already been attended to or perhaps doesn't accurately reflect the day to day challenges of the particular situation. However, the consultants hope that this review will provide some guidance to the agency based on identified best practices and shed some light on areas that warrant further review.

The consultants wish to thank Commissioner Kim Thomas for the opportunity to work with the Alabama Department of Corrections and for affording us the ability to freely interact with staff as well as representatives of the incarcerated female offender population.

Should you have any questions or require clarification, please feel free to contact me.

*Susan E. Poole*

SUSAN E. POOLE  
Criminal Justice Consultant  
(951) 217- 4628

cc: Evelyn Bush  
Correctional Program Specialist  
National Institute of Corrections

**Tutwiler Prison for Women: On-Site Agenda**  
**Tuesday, September 26 – Thursday, September 28, 2012**

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**Wednesday, September 26, 2012**

*Observations and informal interviews will occur throughout the duration of the assessment period.*

- |          |   |
|----------|---|
| 8:15 AM  | Arrive at Tutwiler Prison for Women<br><i>(Meet with Facility Liaison/Team set up and logistics briefing)</i>   |
| 9:00 AM  | Meet with designated Facility Executive Team ( <b>Captains L. Hawthorne, P. Richie, &amp; D. Wright and Wardens F. Albright/K. Jones</b> )<br><i>Location ~ IBM Conference Room</i>       |
| 10:00 AM | Facility Tour   |
| 11:00 AM | Break (Team check in)   |
| 11:15 AM | Interview 1 – <b>Warden</b> – Frank Albright<br>Interview 2 – <b>Security</b> - Captain Hawthorne<br>Interview 3 - <b>Classification</b> - Chitema Westry                                 |
| 12:30 PM | Lunch   |
| 1:30 PM  | <b>Focus Group #1</b> Supervisory staff (cross section)<br><i>Location IBM Conference Room</i>  |
| 1:30 PM  | Interview 1 – <b>Medical/Mental Health</b> (Contract Staff)<br>HSA Marschik (Corizon) and Dr. Butler (MHM)  |
| 3:00 PM  | Interview 1- <b>Reception/Intake</b> Captain Hawthorne/Lt. Mills<br>Interview 2 – <b>Human Resources</b> – Ms. L. Reeves<br>Interview 3 – <b>Substance Abuse Program</b> - Angela Villali |
| 4:15 PM  | <b>Focus Group #2</b> – Community Volunteers<br><i>Location IBM Conference Room</i>   |
|          | Interview 1 –, Chaplain- Alicia Brown   |

Friday, September 23, 2012

*Observations and informal interviews will occur throughout the duration of the assessment period.*

|          |   |
|----------|---|
| 8:30 AM  | Arrive at facility /Staff Briefing  |
| 9:30AM   | Interview- <b>Annex-Work Release</b> – Captain Ritchie<br>Interview - <b>Self Help/Inmate Programs</b> – (Dr's Butler & Holmes)<br><b>Policy/Document Review</b> (Wardens Albright & Jones) –   |
| 10:45 AM | Team Debrief (IBM Conference Room)  |
| 11:00 AM | <b>Focus Group #5-</b> Inmate Discussion Group<br><i>Location IBM Conference Room</i><br><br>Interview – <b>Litigation - Warden Albright &amp; ADOC Legal Division</b><br><b>Attorney TBD</b>   |
| 12:30 PM | Lunch   |
| 1:30 PM  | Follow-up Interviews as needed<br><b>Captain L. Hawthorne</b><br><b>Captain Richie</b><br><b>Captain D. Wright</b>  |
| 2:30 PM  | Team debrief/prepare for Exit Briefing (Chapel)   |
| 3:30 PM  | Exit Briefing with Warden   |
| 4:00 Pm  | Exit Briefing with Executive Team and designated ADOC staff<br><b>(Commissioner K. Thomas, Associate Commissioner J. DeLoach, I/C G. Mosley, I/C G. Culliver, Captains L. Hawthorne, P. Richie, D. Wright, and Wardens F. Albright/ K. Jones)</b> |
| 5:30 PM  | Depart  |

## Tutwiler Prison for Women Focus Group Summary of Guided Questions Responses

- Change a lot of staff out (3)
- Stop the micro management (4)
- Stop abusing Authority
- Provide food Vendors for employees
- Send new employees to training first / Implement training before the staff member reports for duty (4)
- Provide More staff development training in Professionalism (2)
- Repair the parking lot/Add another parking lot for employees
- Get someone who is progressive to run this place
- Put in place enough classes, programs to actually help the inmates
- Restructure Administrative staff
- Make sure all supervisors manage their divisions
- Empower each Department to make decisions based on their area
- Respect all of my staff regardless of their work performance
- Listen and gather the information before making decisions
- Allow staff to perform their Jobs
- Continue to stick with Regs (Regulations)
- Warden's job is hard, continue to treat everyone respectfully
- Create a more positive environment among your staff
- No Impulsive decisions
- Have more activities for staff to boost morale
- Make more time for the staff, to show appreciation for the work they perform on a daily basis.
- Eliminate the culture of bullying (4)
- Make my people feel good
- Trust employees
- Don't take inmates over staff

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# APPENDIX

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**Susan E. Poole, Retired Warden**  
**CRIMINAL JUSTICE CONSULTANT**  
Susan.poole@sbcglobal.net

Ms. Poole is a retired warden and for the past eleven years has worked extensively as a Criminal Justice Consultant, providing direct services to agencies in the areas of *Executive Leadership Development for Women*, *Staff Sexual Misconduct with Inmates/PREA*, *Working with Female Offenders*, *Institution Culture Assessment*, *Strategic Planning*, and *Managing a Multi-Generational Work Force*. Appointed to the position of Warden by the Governor of the state of California in September 1988; Ms. Poole served 13 years at the California Institution for Women in that capacity. She was the longest tenured warden to serve at a women's prison in California.

Ms. Poole's background includes 30 years in the field of Corrections with the California Department of Corrections (CDC). She began her career as a Teaching Assistant and promoted through the custody ranks. She served at two correctional institutions and with three divisions in headquarters: Institutions, Administrative Services, and Manpower Services. Her experience and assignments have included both, a wide variety of field operations and staff assignments in Correction's headquarters, including Assistant Chief of Personnel, Classification Staff Representative, Chief of Institution Services, and Assistant Deputy Director Institutions Division. For the last thirteen years of her career in Corrections she served as Warden of the California Institution for Women (CIW). CIW is an 1,800 bed correctional facility, which at one point reached a capacity of 2700 inmates.

Ms. Poole is a member of the American Correctional Association (ACA), the Association of Black Correctional Workers (ABCW), the Association of Women Executives in Corrections, and the National Association of Blacks in Criminal Justice. Ms. Poole was selected as one of the Outstanding Young Women of America for 1983 and participated in the 1995 Leadership California Program. She was California's nominee for Warden of the Year to the North American Association of Wardens and Superintendents, in 1999. Ms. Poole has received numerous awards and recognition for her work in the community. She has provided consultant services to the National Institute of Corrections (NIC) and the National Institute of Justice (NIJ), The Moss Group, The Center for Innovative Public Policy, and Correctional agencies in 40 plus states. She is a featured speaker at many community and academic programs and was selected by the Who's Who Historical Society as a member of their International Who's Who of Professionals for 2001.

Ms. Poole holds a B. A. in Liberal Studies/Public Service Management from the University of Redlands, Redlands, California. She has dedicated most of her career to advancing the cause of women and is a passionate and caring advocate for appropriate gender responsive services for women offenders.

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**Jeff Shorba, Deputy State Court Administrator****CRIMINAL JUSTICE CONSULTANT**

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Jeff Shorba serves as Deputy State Court Administrator for the Minnesota State Supreme Court. He oversees all daily operations of the state's trial courts, court of appeals and Supreme Court. He is responsible for supervising division directors in the area of finance, information technology, human resources, legal services, court services, education and organizational development and facilities management. The state court system includes 3,500 employees and 300 judges working in ten judicial districts.

Prior to joining the judicial branch, Mr. Shorba served as Assistant Commissioner for Management Services and Legal Counsel at the Minnesota Department of Corrections. As Assistant Commissioner, Mr. Shorba reported to the Commissioner of Corrections and oversaw the departments of: policy and legal services, finance, information technology and human resources. In addition he supervised personnel coordinating agency religious services and diversity. He also served as legal advisor to the Minnesota Sentencing Commission and Secretary to the Minnesota Pardons Board.

Prior to joining the Minnesota Department of Corrections, Mr. Shorba served for eight years as Associate General Counsel, U.S. Department of Justice, Federal Bureau of Prisons | Washington, D.C. Mr. Shorba was in charge of the Legislative and Correctional Issues Branch where he provided legal advice on policy development, legislative affairs and institution operational issues. He developed special expertise in the areas of religious services, sentence computation, emergency preparedness, use of force, treatment programs, medical services, privatization and death penalty procedures.

From 1989-1991, Mr. Shorba was in private practice in Washington, D.C. at the law firm of Bell, Boyd & Lloyd where his practice focused on litigation and appellate work, primarily in the areas of employment discrimination, labor law and employee benefits. From 1988 to 1989, he served as law clerk to the Chief Justice of the Minnesota Supreme Court. Mr. Shorba is a 1988 cum laude graduate of Harvard Law School. He received his B.A. degree in Political Science, magna cum laude, from Carleton College.

Mr. Shorba is vice-chair of the American Correctional Association (ACA) Legal Issues Committee and co-chair of the American Bar Association (ABA) Corrections and Sentencing Committee. He has conducted training at numerous national conferences and seminars including those sponsored by the ACA, ABA, National Institute of Corrections, Federal Bar Association and the Federal Judicial Center. He has also served as an adjunct professor at the School of Public Affairs at the American University in Washington, D.C.

**Dave Marcial**  
**Criminal Justice Consultant**  
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David Marcial is an independent criminal justice consultant who has worked as a Senior Associate with the Criminal Justice Institute, Inc. (CJI) and the Association of State Correctional Administrators (ASCA). As a Senior Associate, Mr. Marcial was been involved with a variety of collaborative initiatives between CJI and ASCA and the Bureau of Justice Assistance (BJA). He has worked on a national clearinghouse of grant and policy-related information that provides sole source of information for correctional jurisdictions and an initiative that focuses on the implementation of national performance standards for the field of corrections (PBMS).

As a national consultant, Mr. Marcial has worked with the National Institute of Corrections as a subject matter expert in the areas of operational practices and gender-responsive programming in women's prisons, as well as in policy review and development, security auditing, Management of High Risk Offenders, Gang Monitoring and Management and staff training. He has worked with the Moss group on the Prisoner Rape and Elimination Act (PREA)-related initiatives in male and female adult and juvenile systems.

Through NIC he has served as a policy consultant reviewing existing policies and practices, recommending initiatives for streamlining and improvement. He also served as a policy and security consultant for the Connecticut Juvenile Training School reviewing, developing and augmenting policies and designing systems for quality assurance and quality improvement.

Mr. Marcial has an extensive background in correctional operations and management, having worked in a variety of positions for the Connecticut Department of Correction over his twenty-six year career. He retired from the department in 2003, after having served as a warden for eleven years.

Beginning his career in 1974, Mr. Marcial worked with both male and female pre-trial detainees with identified mental health disorders, pending competency evaluations. He later worked for the Connecticut Department of Correction, rising up through the custody ranks, holding the positions of Correctional Officer, Lieutenant, Captain, and Major, as well as prominent roles with investigations (internal affairs) and developing gang intervention initiatives. He also served as a Regional Director for the state, overseeing the operation of six correctional facilities.

Mr. Marcial has considerable knowledge and experience in organizational culture assessment in jails and prisons. He has been trained in the application of the assessment protocols and has successfully applied assessment protocols in a variety of correctional settings. He has worked with institutional staff and leadership to develop and support successful organizational change strategies.

Mr. Marcial is a member of the American Correctional Association and previously served on the Board of Directors for the Middle Atlantic States Correctional Association (MASCA). He is a Past President of the Board of Directors for Centro de la Comunidad, a Hispanic / Latino social service agency in Connecticut, and served on the Board of the Connecticut Hispanic Association of State Employees (CHASE). He holds an Associate of Science degree in Criminal Justice, a Bachelor of Science degree in Human Services, and a Master's degree in Organizational Management. He is also bi-lingual and bi-literate.

**Bianca N. Harris, Warden**  
**North Carolina Correctional Institution for Women**  
[Bianca.Harris@ncdps.gov](mailto:Bianca.Harris@ncdps.gov)

Bianca N. Harris is the Warden of the North Carolina Correctional Institution for Women (NCCIW) in Raleigh, North Carolina. NCCIW, which is the major facility for female offenders in North Carolina, houses up to 1,465 inmates and covers a total of 35 acres within its perimeter. It has an average daily population of 1,300 offenders. In addition to the inmate population, Ms. Harris manages more than 800 employees, which includes officers, first-line supervisors, mid-level managers, and executive-level managers in human resources, accounting, medical, mental health, custody and security, programs, and maintenance.

NCCIW is also the diagnostic center that serves as the point of entry into the prison system for all women sentenced as felons.

Ms. Harris has almost 20 years of correctional experience, beginning her career in 1993 as a Correctional Officer. She has also held the positions of Sergeant, Lieutenant, Captain, Deputy Warden, ACA Accreditation Manager, Gang Unit Supervisor and Internal Affairs Manager.

Ms. Harris joined the Department of Correction shortly after her graduation from the University of North Carolina at Chapel Hill with a BS degree in the Administration of Criminal Justice. She has an educational and professional expertise in juvenile and female justice issues and evidence based practices that focus on the female offender. Due to her extensive knowledge she has participated in various audits, consulting and frequently speaks to youth groups, professional organizations, law enforcement and justice agencies.

## NIC Briefing Points

- Staffing Shortage
- Isolated areas with no supervision
- Staff turnovers
- Camera system needed
- Inmate idleness
- Staff/inmate communications lack of respect
- Lack of grievance procedure
- Policies, procedures and directives should be explained to staff and inmates
- Inmate access to SOP's and Regulations in library
- Post orders need to be updated
- Need for shift briefings
- Climate of "fear" where inmates and staff are afraid to voice complaints
- Newsletter contents should be less threatening and more informative
- Storage space limitations for inmate personal property
- Requirement for female inmates to keep hair cut to a certain length
- Cleanliness and sanitation of the institution, age of facility
- PREA (improve communication between I&I and Warden, immediately refer all allegations of staff sexual misconduct to I&I, formulate process to insure that inmates are aware of PREA reporting procedure.)
- Review criteria for educational programs
- Library – lack of general reading materials
- Recruitment of female officers
- Leadership training programs for staff
- Showers at the annex are too close together
- Strip searches of inmates in groups (Trade school and Factory)
- Increase frequency of orientation of newly arriving inmates – currently held once per week
- Shower water pressure (energy efficiency)
- Minutes should be kept of dorm representatives meetings
- No handbook or rulebook available
- Need areas for relaxation
- Need for a literacy program
- Mental health groups – length of group meetings too long. Should be changed from 4 hours in length to 50 minutes to an hour in length. This could possible allow more inmates time to participate.