

TRANSCRIPT OF GOVERNOR' S ADVISORY BLUE RIBBON PANEL

Phoenix, Arizona
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REPORTED BY:
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1 REPORTER' S TRANSCRIPT OF PROCEEDINGS was
2 taken on February 11, 2004, commencing at 3:08 p.m., at
3 the Governor' s Office, 1700 East Washington, Phoenix,
4 Arizona, before PAMELA J. MAYER, a Certified Court

5 Reporter in and for the County of Maricopa, State of
6 Arizona.

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8 PANEL MEMBERS:

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Dennis Burke, Co-Chair

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Herb Guenther, Co-Chair

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Grant Woods, Co-Chair

12

Roger Vanderpool

13

Tom Stickrath

14

Chase Riveland

15

Mike Branham

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Leesa Morrison

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Roberto Villasenor (Telephonically)

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John Cohen (Telephonically)

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TRANSCRIPT OF PROCEEDINGS

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MR. BURKE: Good afternoon. My name is Dennis
3 Burke. I'm the Governor's chief of staff of policy. And
4 this is an advisory ad hoc panel that's been put together
5 under the direction of the Governor in response to the
6 escape attempt and eventual hostage situation that
7 included two officers at the Lewis Correctional Facility
8 that began on January 18th.

9

I have my co-chairs, and I want to thank them

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11 for participating in this, especially on very short
12 notice, former Attorney General of the State of Arizona,
13 Grant Woods, and former senator and current director of
14 the Department of Water Resources, Herb Guenther. And I
15 wanted to go over a couple points at first, and then why
16 don't we go around to the other panelists, and then I
17 know we have some folks on the phone too and make sure
18 that those people who are here and the transcriber who's
19 transcribing this are aware of their presence and their
20 role in this.

21 This -- a couple positive observations about the
22 escape and hostage situation that I'd note first before
23 we kind of get on into the process and the Governor's
24 charge. And our perspective today, I think I can speak
25 for our co-chairs and let them speak at their time, is
trying to get organizational today, go through process.

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1 We've sent out a notice on several meetings that we are
2 having coming up, talking about those for the panelists
3 to make sure that they fit with the schedule, get a sense
4 of their presence on those, and then figure out a game
5 plan.

6 What the Governor noted in her charge to us was
7 that she would like to have a report -- a preliminary
8 report back to her within 30 days of her announcement on
9 it, which would be March 4th. And what she had asked was
10 that we look at the predicates that led to the hostage
11 taking; two, the precise details on how the prisoners
12 were able to take control of the watchtower; and, three,
13 what changes need to take place to ensure this cannot
14 happen again. In other words, the what, the why, and how
15 to prevent.

16 She noted to determine the predicates of the
17 escape attempt and hostage-taking. She further directed
18 us to examine the training and supervision at the
19 Department of Corrections, staffing levels, staff
20 recruitment and retention, security protocol, security
21 capacity, and inmate classification, and, as I indicated,
22 was looking for a preliminary report from this body
23 roughly around March 4th, giving a factual explanation of
24 what happened on the morning of January 18th, how did it
25 happen, and initial recommendations on how to prevent

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1 such an incident from ever occurring again.

2 Now, we are proceeding on a few different fronts
3 here. First of all, as Director Schriro will discuss in
4 her presentation today, her investigators have already
5 been working with the Maricopa County Attorney's Office.
6 I believe as of today, there was a lengthy meeting,
7 preparing for prosecution of the two inmates involved in
8 this incident. That's the first track.

9 The second track is, with any escape incident at
10 the Department, there's an internal administrative review
11 that's conducted, and that is separate and apart from the
12 criminal referral by the Department, and Director Schriro
13 will also be discussing that, and I believe we'll have an
14 opportunity today to talk to her officials who are
15 working on that.

16 The third front is this, is this ad hoc panel
17 that the Governor has asked us to put together to review
18 not only the administrative report that's being put
19 together -- and let me add that assisting in that
20 administrative review report is assistant police chief

21 from Tucson, Roberto Villasenor, who, I believe --

22 Roberto, you are on the line?

23 MR. VILLASENOR: Yes, I am.

24 MR. BURKE: There you are.

25 And John Phelps, who's the deputy director for

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1 the Office of Homeland Security for the State of
2 Arizona. They are assisting in that administrative
3 review and providing independent commentary on that.

4 And the third prong is this entity here, the,
5 for lack of a better term, the blue ribbon panel, who
6 includes experts in the field, indeed from other states,
7 and individuals, respected individuals from this state,
8 who are asked to provide not only review and commentary
9 but their independent analysis of the work being
10 conducted by the Department of Corrections in the post-
11 incident analysis but also with regards to what steps
12 should be taken in the future.

13 Let me just clarify before I let Grant and Herb
14 provide comments on where they'd like to see us proceed
15 on this. We are -- we had initially put out a notice, I
16 think yesterday, on some of the meetings, that had gone
17 out to the press too, the first one, of course, being
18 today, this initial organizational meeting of the blue
19 ribbon panel.

20 We have tomorrow a meeting at the Lewis
21 facility, and the point of that meeting as well as the
22 one on Friday, February 13th, and Wednesday,
23 February 25th, and Thursday, February 26th, those are
24 four separate meetings that we put together for employees
25 of the Department of Corrections to provide feedback to

1 us. And those will be open to the media, but for
2 security purposes, those are, since they are on the
3 facility, we're going to have to keep those limited to --
4 they're not completely open meetings for security
5 reasons. We can, and the panel, we can discuss this, if
6 there's a need to have separate public meetings, but with
7 regards to those four, I don't want anyone to be misled,
8 they'll be open to the media because we can credential
9 them, but since they're on the facility, they're not
10 going to be open to the general public.

11 We are then trying to get this panel back on
12 Monday, March 1st, and Tuesday, March 2nd, to deliberate,
13 review the transcripts from those earlier hearings and
14 the recommendations and input we've had during this
15 process.

16 And I think those are kind of the general
17 housekeeping things I wanted to touch upon at first.

18 I view my role as not only a co-chair but as,
19 since the Governor had directed me to keep directing the
20 entire overall process that we're conducting here, as
21 more of making sure that things are getting done and
22 getting done on time. There's going to be absolutely no
23 limitation by anyone on this panel on their
24 participation, their questioning, what directions they
25 want to go into. Those are absolute independent

1 determinations for this panel to be making. But the
2 Governor had asked me to be in charge of this to make
3 sure that we are thorough and we are moving forward and

4 the process is being conducted.

5 So, with that, Grant, do you have any thoughts,
6 or have I thoroughly confused you?

7 MR. WOODS: No, you haven't. I won't go into
8 the discrepancy between the time commitment you told me
9 when you got me to agree to this and what I see on the
10 schedule. Sort of a rope-a-dope strategy you've got
11 there.

12 First, I'd like to -- I want to commend the
13 Governor for the way she's approaching this. I think
14 it's -- it's just the right way to do it. She's got a
15 lot of expertise she's bringing to the table, both within
16 the state and outside of the state, and a few others,
17 like myself, who hopefully are able to take an
18 independent look at what we find. So I think that's -- I
19 think it's great that she's done this, and I commend her
20 for it.

21 I think the questions I've heard over the last
22 24 hours, mainly from the media, I can address a couple
23 of those. First, as far as the independence of this
24 committee, I can just say, you know, I come to this with
25 no preconceived notions about anything relating to our

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1 task. And I think we all come to it with pretty much the
2 same thought, and that is, we want to find out what
3 happened, look at the policies and procedures that may
4 have affected what happened, and my goal, and I think
5 it's probably mirrored by everyone else, I just don't
6 want to see any other officer ever put into this position
7 here in the state of Arizona. It's not any more
8 complicated than that.

9 As Attorney General, I represented the
10 Department of Corrections for eight years. I argued on
11 their behalf in front of the United States Supreme
12 Court. I have great respect for the men and women who
13 work with the Department of Corrections, and they should
14 not have to have gone through an ordeal like this. But
15 things like this happen, and now we have to examine it
16 closely so that hopefully it doesn't ever happen again.
17 We all share that.

18 So, from my own perspective, that's where I'm
19 coming from. I'm proud the Governor asked me to be
20 involved in this. I think it's very worthwhile. And I'm
21 going to be looking at anything possible to see if there
22 are any improvements that can be made so that no officer
23 ever faces this situation again. For me, it's not any
24 more complicated than that.

25 I was asked several times about whether officers

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1 could feel free to be candid with us and without fear of
2 retaliation if they were critical of their superiors, and
3 all I can say to that is, we have a whistleblower law in
4 this state, and I'm confident it will be fully enforced,
5 that if there was any retaliation against anybody who
6 made critical statements, that they would -- that
7 situation would be dealt with according to the law.

8 We do have a former Attorney General and former
9 United States Attorney as Governor. We have a former
10 Attorney General as -- former Assistant Attorney General
11 on this panel. You have a very active and capable
12 Attorney General in this state. I think between all of
13 us, we'd see that the whistleblower law is going to be

14 enforced. So I would just say to the men and women who
15 might want to come forward and talk with us, they should
16 come forward and talk to us freely, so that, again, we
17 can all fulfill this goal of making sure this doesn't
18 happen again.

19 So, again, I look forward to it. It's a quick
20 timeline. The Governor is the boss, so if that's the
21 timeline she wants, that's what we'll do. But if it
22 takes more time, then I would imagine that we'd take more
23 time.

24 Lastly, regarding the legislature and some
25 comments about whether they should be doing their own

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1 thing and their own review of this, my view on that is,
2 sure. I would think they have plenty to do so that
3 they -- it would make sense to me that they would wait
4 and see what we came up with and then review that, and I
5 would expect them to review it. And if they weren't
6 satisfied, they should do their own thing. All of us in
7 this state, all the concerned citizens like myself and
8 all elected officials, should have the same desire here.
9 So it's within the -- completely within the purview of
10 the legislature to take a long, hard look at this. And I
11 hope that they will take our report, and if there are
12 changes, that they would implement them. But I would
13 certainly welcome them to listen closely to what we come
14 up with, and if they feel further action is necessary, to
15 take it.

16 So, Dennis, I thank you for the opportunity.

17 MR. BURKE: Thank you, Grant. I appreciate that
18 very much.

19 Senator?

20 MR. GUENTHER: Well, it's somewhat of a pleasure
21 to be here, I think. Anyway, I'm looking forward to
22 getting as much of the information as possible so that we
23 can try to put together the picture and the scenario that
24 evolved into a rather tense and long hostage situation.

25 I would hope that no one here, either with the

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1 Department or others involved directly with the
2 Department, would think that we're going -- we're here to
3 probe and punish, because that is not our intent, as I
4 understand it. It is simply to offer constructive
5 criticism if in fact there is constructive criticism
6 warranted so that we make the improvements necessary to
7 prevent a reoccurrence of this type of activity.

8 I think there's many areas that we have to look
9 into. We have, obviously, a large task in a short amount
10 of time. I would hope that we have access to all the
11 information necessary in order to make informed
12 decisions.

13 I know some of the areas of my concern involve,
14 obviously, classification of inmates, release to work
15 assignments, especially involving search and job
16 assignments of inmates relative to classification; access
17 to the tower, including ingress and egress, as well as
18 the need for that access; operation of the tower as far
19 as the standard operational procedure, staffing of
20 obviously the equipment, including firearms and other
21 items of inmate control. And then the accessory use of
22 the tower I think is going to be an important component
23 here, again, the need to access and the need to restrict

24 that access to those who have the need to be there,
25 especially in such a secure environment.

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1 I think some other areas will be medical
2 assistance and medications, where are those medications
3 stored, and medical assistance after an event like this,
4 where either injured inmates and/or correctional officers
5 need medical assistance. Staff training. I know there's
6 a lot of indication in some of the preliminary reports as
7 to drills, simulations versus reality, and how people
8 would react differently to that, or if they do react
9 differently to that. Access to keys in an emergency
10 situation, especially when inmates have control over a
11 certain portion of the facility and you have guards and
12 other teams coming in to respond. Communications,
13 whether or not there's ways to limit communications when
14 inmates capture, control of communication equipment. And
15 I guess the weapons. I think one of the keys that we
16 have in this whole thing is the inmate weapons, the hand-
17 crafted weapons and how they were made, where they were
18 hidden, were they accessed on the morning of the
19 takeover. I think all of that is relatively important.

20 So, without belaboring that to any larger
21 degree, I think I'm ready to go and put in as much time
22 as necessary to get the factual information out so that
23 we can make recommendations to the Governor to prevent a
24 reoccurrence.

25 MR. BURKE: Thank you, Senator.

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1 I'm going to allow the other panelists to
2 introduce themselves, get a little bit of background just

3 to see what a diverse board we have here with a lot of
4 experience.

5 But let me just clarify for the panelists that
6 we will be transcribing these meetings, and so if
7 there's -- because I know this will put a crimp, with our
8 tight schedule on this, on their outstanding commitments,
9 like their day jobs, and so those will be transcribed, so
10 if there are not opportunities for panelists to be at
11 those, they will have the opportunity to review that
12 before we meet again to deliberate some of the
13 recommendations and the findings of the administrative
14 review being conducted by the administrative panel.

15 Mike Branham, the acting director of juvenile
16 corrections.

17 Mike.

18 MR. BRANHAM: Thank you, Mr. Chairman.

19 Hi. Again, I'm Mike Branham, the director of
20 the Arizona Criminal Justice Commission and the interim
21 director at the Arizona Department of Juvenile
22 Corrections. I'm really honored to be here as well and
23 would echo many of the things that you've heard here a
24 moment ago.

25 I'd also like us to look at how this affects the

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1 entire criminal justice system when an event like this
2 happens. I think there are many lessons that local,
3 county, and state and federal agencies can all learn from
4 this. Although the outcome was the return of the two
5 officers and the return of the facility back into the
6 hands of the Department of Corrections, in many ways we
7 all were held to a point of learning some lessons about

8 how an institution could be held hostage. If we don't
9 learn from this, then I think much of what you heard
10 before will probably happen again and there will probably
11 be the need for other bodies like this to convene. So
12 I'm looking forward to us finding ways to make the entire
13 system better.

14 MR. BURKE: Leesa Morrison, director of
15 Department of Liquor Control but also a former state
16 prosecutor for many years.

17 Lisa.

18 MS. MORRISON: Good afternoon. I'm also honored
19 to be here today.

20 I spent the last 17 years as an Assistant
21 Attorney General, the last 12 of which as a prosecutor.
22 Prior to that, I was part of the administrative unit and
23 the civil unit of the Attorney General's Office. I'm
24 currently the Director of the Liquor Licenses and
25 Control. And I'm looking forward to taking the facts

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1 that are presented to us, analyzing them, and drawing
2 conclusions that can assist the Governor and the director
3 in understanding exactly what happened and preventing it
4 from happening again.

5 Thank you.

6 MR. BURKE: Thank you, Leesa.

7 We have three individuals from out of state, two
8 that have traveled here and one over the phone, with a
9 wealth of experience not only in the correctional field
10 but in tactical and security consulting. Chase Riveland,
11 who's served as executive director of the Colorado
12 Department of Corrections, secretary of the Washington

13 State Department of Corrections, and deputy director of
14 the Wisconsin Department of Corrections is here today.

15 And I really appreciate your presence here,
16 Chase. Do you have any comments with regards to the
17 panel at this time?

18 MR. RIVELAND: Well, I followed this story
19 primarily in the media, and, of course, having been in
20 corrections for in excess of 30 years, found it quite
21 interesting. And I happen to have one connection with it
22 in that I'm an old colleague of Director Schriro, and I
23 have enormous respect for her, so I felt even more
24 sensitive towards the events as they unfolded. And
25 it's -- I find it very interesting that the Governor has

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1 chosen to proceed this way. I think it's very helpful to
2 do so, but particularly with a great deal of
3 transparency. And it's a pleasure for me to be a part of
4 that.

5 MR. BURKE: Thank you, Chase
6 Tom Stickrath, who's the deputy director of the
7 Ohio Department of Corrections. I want to thank him also
8 for coming out.

9 MR. STICKRATH: Thanks, Dennis. And I'm also
10 very pleased to be able to assist the panel in any way
11 possible.

12 I've been with the Ohio Department of
13 Corrections since 1979, and for the past 13 years, I've
14 served as assistant director of that system, and as most
15 of you or all of you are aware, Ohio had a very tragic
16 incident at its Lucasville facility about 11 years ago,
17 and I think from that, I have a sense of what the Arizona

18 Department of Corrections and the citizens of Arizona are
19 experiencing and have experienced and will experience in
20 the weeks and months ahead, and I hope I can bring some
21 lessons learned from what happened in Ohio 11 years ago
22 to this panel.

23 MR. BURKE: Excellent. Thank you, Tom.

24 John Cohen, are you on the line?

25 MR. COHEN: Yes, sir, I am.

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1 MR. BURKE: John is a homeland security
2 consultant and tactical expert, former investigator for
3 the United States House Judiciary Committee and as well
4 as the Office of National Drug Control Policy. Earlier
5 in his career, he had served on SWAT teams himself in
6 L.A. County and for DEA. And we've asked John to also
7 partake in this panel.

8 John, any of your thoughts initially?

9 MR. COHEN: Yeah. I think the other panelists
10 and the three co-chairs sort of have said everything I
11 would say. It's unfortunate that we have to come
12 together under circumstances like this, but I commend the
13 Governor for pulling together this group, and I think the
14 lessons learned can not only benefit the state but other
15 correctional systems throughout the country. So, again,
16 I applaud the fact that the State is pulling this type of
17 review together.

18 MR. BURKE: Thank you, John.

19 Roger Vanderpool, the sheriff of Pinal County,
20 who not only runs his own jail system but does try to
21 work with the State correctional system, with the
22 Florence facility that resides in his county. And Roger

23 has a long history in law enforcement and brings a lot of
24 expertise with regard to his experience at the County.

25 Roger, any of your thoughts.

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1 MR. VANDERPOOL: Just delighted to be here and
2 honored to be here, but, you know, on behalf of the
3 sheriffs of Arizona, this could have occurred at really
4 any institution. You've got institutions that deal with
5 people, and to deal with those people, you have to have
6 people to deal with them. So you've got the human factor
7 involved all the way around. And hopefully we can learn
8 what happened, why it happened, how can we prevent it,
9 and how can we improve not only within the Department of
10 Corrections but really the detention centers throughout
11 the state ran by the sheriffs' offices, because we really
12 are in this all together.

13 MR. BURKE: Thank you, Sheriff.

14 Roberto Villasenor, who's assistant police chief
15 for Tucson, who's working on the administrative panel
16 with John Phelps.

17 Roberto, do you have any thoughts at this
18 point?

19 MR. VILLASENOR: Well, I do thank you for the
20 opportunity to review this. As a former commander of our
21 hostage negotiation unit as well as our professional
22 standards bureau, I hope to look at this from a viewpoint
23 looking at both the tactical aspect as well as the
24 administrative review aspect, and I'm looking at it from
25 the same viewpoint as Mr. Woods, how do we prevent this

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1 from happening to any other officers in the future.

2 MR. BURKE: Thank you both, Roberto and John.

3 Let me just clarify for the panel so we kind of
4 have a common understanding before we let Director
5 Schriro give kind of an overview on the issues at hand.

6 With the Governor's charge to have a preliminary
7 report by March 4th, what our recommendation would be for
8 the panel, especially since the administrative review is
9 under -- being initiated already, is to break this up
10 into two stages. One is to focus on the facts that
11 happened on the morning of January 18th, how they
12 happened, and some initial recommendations with regards
13 to that, and then the 15 days after the two inmates with
14 the hostages entered the tower and the tactical
15 negotiation issues, focus on that afterwards.

16 So we'll complete as much as we can on that
17 period in the morning before they entered the tower and
18 focus on that as the preliminary report to the Governor,
19 one being that those are the questions firsthand that the
20 Governor has asked, how did that happen and why did it
21 happen, and two, those are the questions that are most
22 important to the director and the Department so they can
23 continue to function and whatever changes they need to be
24 making can be implemented sooner.

25 The other reason why the Governor has provided

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1 such a quick timetable on this is that we need to realize
2 that the director has a 30,000 inmate facility system
3 that she needs to be operating and is operating every
4 day, so -- are there any questions about that format? Is
5 there agreement on that?

6 MR. WOODS: Yes.

7 MR. BURKE: Great. I'd like to at this time now
8 let Director Schriro provide kind of an overview of some
9 of the issues, let her comment on that, and have a
10 dialogue with the panel on that.

11 MS. SCHRIRO: Thank you, Mr. Chair and
12 Mr. Co-chairs, members of the panel. I'm Dora Schriro,
13 the director of the Arizona Department of Corrections. I
14 am very grateful for your time and your attention and all
15 of your efforts that you have put to this endeavor in
16 which we too share a very deep stake. We're very, very
17 grateful to you.

18 I want to pledge that everyone in the Department
19 is going to support your efforts and do our level best to
20 serve you well so that you have access to all of the
21 information, physical plant, anything else that you may
22 require so that you can develop a product that the state
23 richly deserves.

24 What I hope to do for you in a descriptive way
25 as a preamble to my remarks is to provide you with the

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1 situation with which we grappled for the 15 days, and
2 certainly when we leave this building and then go to
3 Lewis, you'll see firsthand the enormity of the task that
4 we faced.

5 Briefly, as you know, and as many of you have
6 referenced, very early on the morning of Sunday,
7 January 18, two inmates were successful in their efforts
8 to make their way to the tower in the Morey unit. And if
9 I can make -- refer to the materials that I passed out
10 and bring your attention to the first of the slides, this

11 provides you with an overview of the Lewis facility. The
12 Lewis facility is the newest of the State's prison
13 complexes. It consists of six units, the Morey unit
14 being one of those six. And you'll see it on the western
15 side of the facility.

16 The facility confines a significantly diverse
17 population. And by that I mean, there are a number of
18 custody levels contained within the complex, and at some
19 of the units, including the Morey unit, we may have a
20 similar classification of prisoner, in this case,
21 protective segregation, but protective segregation
22 inmates cut across three of the five custody levels,
23 levels 2, 3, and 4. And that also presents some
24 considerable challenges for the Department.

25 When we are at Lewis later this afternoon and I

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1 have an opportunity to introduce you to the warden,
2 Warden Gaspar, he'll provide you with additional
3 information about the nature and the number of the
4 populations that are confined in each of the specific
5 units and some of the ramifications that it has for its
6 overall operation. As those of you with corrections
7 experience know already in these early remarks, that when
8 a system is overcrowded, as ours is, and you start to mix
9 populations because you don't have the opportunity to
10 provide the separation, you're building in some
11 additional dynamics to the day-to-day operation.

12 The second screen on the lower portion of that
13 first page is a closer up view of the aerial photograph
14 on the upper part of the page, and this is the Morey unit
15 in particular. The Morey unit has four housing units,

16 and they are the four buildings that are shaped like the
17 letter H, and the inmates in question were housed,
18 Wassenaar and Coy, were housed in housing unit 2, and
19 early on the morning of Sunday the 18th were released
20 from their housing unit with a total of 17 other inmates,
21 all assigned to the kitchen, where they reported for
22 their inmate work assignment.

23 The kitchen is located in B building. The B
24 building is a multipurpose building. It serves a number
25 of support functions, including the kitchen and the

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1 dining area.

2 The other things to point out, at the opposite
3 end of the yard, on the western side, is what's referred
4 to as the A building. That's the administration
5 building. You'll notice that there is what looks like a
6 dark line that connects the A and the B building where --
7 and in the middle is the tower, which intersects. That
8 dark line is referred to as the spline. And you'll hear
9 that over and over again. The spline is a paved path
10 that is -- that is enclosed inside of a high chain-link
11 fence. And the spline divides the two sides of the yards
12 so that, even within -- even within a unit, the complex
13 can be subdivided and superimpose additional control over
14 inmate movement. And so you'll hear more about the
15 spline.

16 To give you some of the distances so that you
17 can begin to appreciate some of the tactical challenges
18 that all of the agencies who responded to support the
19 Department and the Department faced, from the B building
20 to the tower, that's 54 yards. From the tower to the A

21 building is 100 yards. And so you have a tower that is
22 placed in the center of an area. It is, of course,
23 intended through its design, its construction, and its
24 equipping to be a place that cannot be taken. It is
25 intended to be a secure location from which all inmate

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1 movement can be monitored. And in this instance, it then
2 became, I think for all who responded to this situation
3 and to all that we reached out for additional technical
4 assistance, the most difficult, the most challenging
5 tactical situation that responders at the state, local,
6 and federal level had ever confronted. And so certainly
7 to understand the situation better is essential by the
8 very nature of its design.

9 If I then direct your attention to the second
10 page, to the photograph at the top, this is a closer
11 picture of the Morey tower. It was taken during the
12 course of the 15 days but prior to the time that Inmate
13 Wassenaar went onto the roof and removed most of the
14 awning material. He did so for two purposes, both of
15 which we surmised correctly. One was to increase his
16 ability to observe our movement, and secondly, to use the
17 material to fashion blackout curtains to further obstruct
18 our view of their activity inside the tower. You can see
19 here more closely the spine in terms of its fencing
20 configuration and the constantine ribbon that's along the
21 top of the fence lines.

22 There are actually four approaches to the
23 tower. Along the spline, there is -- there is a door on
24 either side. You can see one of them in that
25 photograph. It is to the left of what is the air

1 conditioning handling unit. And then on the opposite
2 side of the tower, not visible in this photograph, is the
3 other access. You can also see by the additional
4 fencework that there are pass-through doors that are
5 intended for officers' use to pass material back and
6 forth to officers in the yard and those in the tower, and
7 indeed, it references some of Senator Guenther's remarks
8 about assumptions that went -- that were fundamental to
9 the design and construction of the various purposes that
10 this tower was intended to serve when the facility was
11 first constructed.

12 The photograph at the bottom of that second page
13 provides you with a view standing with the tower at your
14 back and looking 54 yards towards the B building, how one
15 experiences the spline from ground level, and again, I
16 think represents the kind of challenges that the tactical
17 teams faced in every consideration and configuration that
18 was developed for strategies to take the tower by
19 tactical force should that become necessary.

20 And then finally, on page 3 is a closer picture
21 of the tower and a clearer view of the door. This is the
22 door through which Inmates Wassenaar and Coy surrendered
23 and our remaining corrections officer was released back
24 to safety. As you may recall, the first of the two
25 officers was released by means of a ladder which was

1 placed alongside the tower from which he descended.

2 So that gives you a little bit of a feel as to
3 some of what you will see this afternoon when we -- when
4 we go out to the facility.

5 As you know, it went from early in the morning
6 of January 18 through late in the afternoon on
7 January 26th that two of our corrections officers
8 remained in the tower, held by two inmates, Coy and
9 Wassenaar, both of whom had access to weapons that are
10 typically assigned to the tower given its functions.

11 The tower, as I mentioned before, is intended to
12 be a place from which inmate movement is monitored and a
13 place from which inmate movement can be managed, even by
14 force, indeed lethal force, should the occasion arise.
15 Under ordinary circumstances, it is a two-person post.
16 One officer is assigned to the second level and manages
17 the controls typically from that location, and at any
18 time when there's inmate movement in the yard, the other
19 officer is expected to be on the roof so that they can
20 respond quickly with force, either nonlethal or lethal,
21 should the situation arise.

22 It was almost eight days later that our second
23 officer was released, on February 1st. And what I'd like
24 to do briefly is to summarize for you the strategies that
25 were realized to secure the peaceful surrender of the

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1 inmates and the successful release of our two staff.

2 In a hostage situation --

3 MR. WOODS: Director Schriro, can I ask you just
4 a couple things?

5 How did they get to the tower? Were they trying
6 to get -- the only thing I've heard from listening to the
7 radio, I heard a little bit of McKinney's interview with
8 one of the inmates. Were they trying to escape and
9 somehow ended up in the tower, or was their goal to get

10 to the tower?

11 MS. SCHRIRO: As they have described it -- and
12 I'll hasten to add that we have endeavored as part of the
13 criminal investigation to interview both of the inmates.
14 One has refused to cooperate but not invoked his right
15 not to speak. The other inmate, Wassenaar, has invoked
16 his right. And so --

17 MR. WOODS: So you have no statements from
18 either one?

19 MS. SCHRIRO: The statements we have are the
20 statements that were provided over the course of the
21 negotiations, all of which are captured on tape, as well
22 as the interview that Mr. McKinney conducted with Inmate
23 Wassenaar. What they provided in those statements, in a
24 fairly consistent manner, is that they intended to escape
25 from the facility and that it was their plan to go to the

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1 tower for the purpose of obtaining weapons from the
2 tower, which they anticipated would assist them in their
3 escape. It was not their intent to remain in the tower,
4 based on the limited information that they have provided
5 in that regard.

6 MR. WOODS: And you mentioned the weapons. What
7 weapons are held there, and where are they?

8 MS. SCHRIRO: There is an AR-15 and a shotgun
9 with ammunition that is considered regular issue in the
10 tower. In addition, there are some nonlethal weapons
11 that have stinger rounds, for example, and also tear gas
12 canisters, those things that are ordinarily utilized to
13 maintain or retain control of the yard, if necessary.

14 MR. WOODS: And how were they stored? Do these

15 inmates, they'd need a key to get them out of a closet,
16 or are they just sitting around?

17 MS. SCHRIRO: I'm not sure I can provide you
18 with a complete answer at this point in time. Some of
19 the weapons were available. There is a locked cabinet,
20 and it is -- there's a secure cabinet, and it is secured
21 with a key. And until there's a full debriefing, I'm not
22 sure that I know yet to tell you today what material was
23 out, but that --

24 MR. WOODS: What weapons did they have? Once
25 you made contact with them, what weapons did they have?

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1 MS. SCHRIRO: They had access to all of the
2 weapons that I've just delineated.

3 MR. WOODS: Okay. And they wouldn't have gotten
4 those just off of the officers, necessarily, would they?
5 Or could they have? The officers could have had those in
6 their possession?

7 MS. SCHRIRO: They certainly could have. But I
8 don't have the particulars for you right now.

9 MR. WOODS: So it was either that or they got
10 the key and got them out of something that was locked.

11 MS. SCHRIRO: Yeah. It's my -- it's my belief,
12 but I'm not sure that it's validated, that both of the
13 weapons were in the area, and that's in part because the
14 movement had started on the yard, and so the officer
15 would be either ready to take position or was on position
16 in anticipation of movement.

17 MR. WOODS: Is it common knowledge among the
18 inmates that there are weapons stored in the tower?

19 MS. SCHRIRO: In -- I believe in a general

20 sense, yes, because on occasion, those weapons are
21 utilized. Certainly, they do not know, and so we would
22 be reluctant to describe the number of rounds of
23 ammunition and things of that sort. But I think they are
24 aware that the weapons are there.

25 MR. WOODS: And then one other question before

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1 you go much further there.

2 On the tower, this dilemma of making it
3 impenetrable in its daily use but having that work
4 against you in a situation like this, is there any other
5 design that would allow for the impenetrability of the
6 tower to be lessened if they were in a distressed
7 situation?

8 MS. SCHRIRO: I'm not sure I understand the
9 question.

10 MR. WOODS: You want the tower not to be
11 penetrable. Correct?

12 MS. SCHRIRO: Yes.

13 MR. WOODS: Because it's right there in the
14 middle, and inmates are walking around, and you don't
15 want them to have access to it. But once you got into
16 this situation, that worked against you because now it's
17 not penetrable to you as well.

18 MS. SCHRIRO: That's correct.

19 MR. WOODS: Is there some other design where
20 perhaps -- you know, I don't know what it would be, but I
21 could envision maybe you push a button and things
22 collapse, things change, and that would not be within the
23 tower, that would be maybe over in admin or something
24 like that, I don't know, but in other states, have they

25 dealt with this problem?

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1 MS. SCHRIRO: I don't know that they've dealt
2 with this problem, per se, but we have been in
3 consultation with the architects of this facility from
4 the time that the event first began to unfold. And it's
5 our intent through the review to confer with other
6 architects to determine the varieties of ways in which
7 these towers can be retrofitted as well as future towers
8 be constructed so as to be more user-friendly. I have
9 already a partial list of retrofits that I think are
10 worthy of further review, and a little bit later on, I'd
11 be glad to share some of them with you.

12 MR. WOODS: And the last question, but do we
13 have this same situation in all the other prisons in
14 Arizona, with a tower that's impenetrable?

15 MS. SCHRIRO: This particular tower is primarily
16 at the Lewis facility, again, this is the most recent of
17 our facilities, but this tower design was also added
18 after the fact at several other locations. And I'll have
19 that list for you. But there are other towers with other
20 configurations but all designed with the same thought in
21 mind, that they be secure locations that inmates would
22 not have access to.

23 MR. WOODS: Do you need a tower? I mean, does
24 everybody have a tower that holds prisoners throughout
25 the United States?

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1 MS. SCHRIRO: Towers are --

2 MR. WOODS: Or is there an alternative to a

3 tower?

4 MS. SCHRIRO: Towers are fairly typical as a
5 method of inmate monitoring and inmate management.
6 Depending on the facility and its design and the time of
7 its construction, you're going to see quite a variety.
8 For example, in Missouri, where I served last, the old
9 penitentiary there had some 14 towers around its
10 perimeter. Newer facilities have a tower in a central
11 location, as does Lewis. Lewis actually has six towers,
12 one for each of its units.

13 Some systems have moved away from towers and
14 have used alternative means of monitoring. But that also
15 speaks to the original intent of the facilities in terms
16 of the nature and the number of inmates that are
17 anticipated to be confined at that particular location.

18 MR. WOODS: Are you going to tell us how these
19 guys got in there?

20 MS. SCHRIRO: Yeah, if I get the chance.

21 MR. WOODS: All right.

22 MR. RIVELAND: Do I assume correctly that the
23 glazing on the windows of this tower are bulletproof?

24 MS. SCHRIRO: Yes, they were.

25 MR. RIVELAND: So the snipers were valuable only

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1 if the people came up to the roof or outside of the
2 tower.

3 MS. SCHRIRO: Actually, the tactical teams that
4 responded, and I haven't had the opportunity yet but will
5 to describe the three parts of the response, the tactical
6 teams were issued weapons with ammunition that could
7 penetrate these windows, but these windows on the towers,

8 as you'll see when you're on site, are positioned at an
9 angle, and so the tactical teams practiced at length,
10 so -- recognizing that if they had a clear shot to the
11 inmates, that they wouldn't have more but the one
12 opportunity to shoot to kill. And so they practiced at
13 length at the Rast unit, which, if you look back to the
14 first of the slides, is the unit that's also on the -- on
15 the western side of the facility but at the northwest
16 corner.

17 In terms of their movement, Mr. Co-chair, from
18 the housing unit to the kitchen to the tower, as I
19 mentioned, these two inmates were two of 17 who were
20 released to report to the kitchen for their inmate work
21 assignment.

22 There in the kitchen, the inmates overcame the
23 one corrections officer and the one civilian contract
24 employee who was in the kitchen at that time. They took
25 the uniform from the officer who was in the kitchen, and

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1 Inmate Wassenaar put that uniform on. The officer was
2 restrained with his own cuffs, and the other employee was
3 restrained otherwise.

4 In the course of the time that they were in the
5 kitchen, they also took the remaining inmate workers and
6 secured them in a supply room that's inside of the
7 kitchen area, so they were secured there. While they
8 were still in the -- in the kitchen, an officer who was
9 reporting to his post earlier than scheduled and so a
10 surprise to the two inmates, he -- when he radioed, he
11 came into the scene -- I'm sorry. I'm going to have to
12 get my notes. I want to not misspeak at all.

13 MR. WOODS: The other 15 inmates, then, they had
14 nothing to do with this?

15 MS. SCHRIRO: No. In fact, the two inmates said
16 something to the effect, "This can be your lucky day.
17 You know, you're with us or you're not." None of the
18 inmates wanted to participate, and so they were all moved
19 to that storage area, where they were --

20 MR. WOODS: So they, at least from what you
21 know, they could have joined in.

22 MS. SCHRIRO: They could have joined in.

23 MR. WOODS: You could have had 17.

24 MS. SCHRIRO: And they elected not to.

25 MR. WOODS: And the two who were doing this,

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1 were they -- had they planned this ahead of time? Do you
2 know?

3 MS. SCHRIRO: They -- that is what they have
4 stated in their limited statements. But I can't speak
5 to -- with any certainty as to the length of time that
6 they planned it or how well they planned it.

7 It -- while they have not proffered this, it
8 strikes me in my review that there are some similarities
9 in their efforts and the efforts that were made in the
10 Texas Department of Corrections where inmates there too
11 overcame a group of officers, moved to the tower, with
12 the purpose of removing weapons from the tower, and then
13 were successful in actually escaping from the facility,
14 where it was a number of days before they were
15 apprehended.

16 MR. WOODS: Can I ask you, if these two were
17 able -- because I don't know what happened next, but if

18 these two were able to make it to the tower and take over
19 the tower, does that mean that if two could do it, 17
20 could have done it?

21 MS. SCHRIRO: I don't know. That is -- that is
22 a question that I cannot answer. Perhaps as I finish to
23 describe --

24 MR. WOODS: If two could do it, how could 17 not
25 be able to do it?

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1 MS. SCHRIRO: I don't know that they can or
2 can't. You're asking a hypothetical question.

3 MR. WOODS: Would that complicate things if you
4 had 17 people in the tower?

5 MS. SCHRIRO: 17 inmates?

6 MR. WOODS: Yes.

7 MS. SCHRIRO: It may have. I think it would
8 also depend on how many additional officers, if any, they
9 brought with them.

10 MR. WOODS: It sounds like you could have had 17
11 people in the tower if those 15 would have just gone
12 along.

13 MS. SCHRIRO: The reason that I hesitate in
14 answering a hypothetical question is, if there were that
15 many additional inmates moving across the yard, I think
16 it would have been also more visible to staff, and the
17 response of staff, excellent as it was in this instance,
18 may have been different with a greater number of inmates
19 moving across the yard. And so that's why it's difficult
20 for me to answer that hypothetical for you.

21 MR. GUENTHER: Grant, one thing that's important
22 here is that we had one person acting as a trojan horse,

23 with the uniform on, he got buzzed in, because it just
24 was another corrections officer on a TV camera in the
25 thing. Now, once he took control of the tower, then I

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1 think it was a matter of who else was going to join him.
2 But the key was that he had to play the role of a
3 corrections officer in order to gain access to the tower.

4 MR. WOODS: And the other guy was doing what
5 while he was getting buzzed in?

6 MS. SCHIRRO: Well, if I can continue with the
7 chronology, I think I can answer those questions.

8 MR. WOODS: Okay.

9 MS. SCHIRRO: Thank you.

10 MR. WOODS: And just so I'm not misunderstood,
11 if one guy was waiting, then, to get buzzed in, after the
12 other guy took it, if there were 16 laying there in
13 wait -- it sounds like -- to me, like that would have
14 been very possible.

15 MS. SCHIRRO: Well, again, I think as we move
16 along, we can discuss that.

17 As I mentioned, an officer reported to the
18 kitchen earlier than the beginning of his post, and he
19 was encountered by Inmate Coy. And Inmate Coy approached
20 him with a shank, which was described previously as an
21 inmate-made weapon, and he directed him to the kitchen
22 office, which is where the first officer had been
23 restrained after his uniform had been removed. And the
24 Inmate Coy, he took the cuffs from this second officer
25 and also restrained him to a fixture in the kitchen

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1 office.

2 There was then some matter of minutes later,
3 sometime before 5 o'clock, a radio call into the officer
4 in the kitchen, at which point, Coy released that second
5 officer that had come to his post early, and he released
6 him to go to the door because it was an officer standing
7 outside of the dining room asking to be let in. There
8 were actually two officers outside of the dining room who
9 were reporting to their post. Again, after the food
10 service preparation begins in the kitchen, additional
11 officers come to staff the mess hall, where they monitor
12 the inmates during the feeding of the breakfast.

13 When Coy released that second officer to go to
14 the door to let the two officers in, he breaks away from
15 Coy and starts to go across the yard and summon for
16 help. So he acts as quickly as he could to solicit
17 assistance.

18 The two officers who are in the dining room now
19 with Coy confront Coy. And Coy, again brandishing the
20 shank, cuts one of the officers, and so he sustains a
21 facial injury.

22 MR. WOODS: They're unarmed, the officers?

23 MS. SCHRIRO: That's correct. Not armed in
24 terms of lethal --

25 MR. WOODS: What do they have?

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1 MS. SCHRIRO: They are typically issued Mace for
2 that kind of a situation.

3 The --

4 MR. WOODS: They didn't -- did they pull out
5 their Mace?

6 MS. SCHRIRO: Yes, and utilized it with little

7 effect on Coy.

8 MR. WOODS: They did get him, sprayed him?

9 MS. SCHRIRO: Yes.

10 MR. WOODS: But he kept going?

11 MS. SCHRIRO: Yes.

12 MR. GUENTHER: I think they had a wind situation
13 which was contrary to their accuracy.

14 MS. SCHRIRO: The -- so there are through this
15 course of events a total of four officers, the first
16 officer in the kitchen, the second officer who comes to
17 the kitchen before shift, the two -- the two officers who
18 report to the dining room. Each in their own way attempt
19 to intercede with first Wassenaar, who I've neglected
20 because I jumped ahead to answer the other question, has
21 donned the officer's uniform, he has started to make his
22 way to the tower, not yet detected because, as Senator
23 Guenther indicated, he is wearing an officer's uniform.

24 We know that he -- he rings the bell so as to be
25 let into the tower, and one of the officers buzzes the

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1 gate first and then the door second, providing him with
2 access to the tower.

3 In anticipation of your question, and it's been
4 asked by others, there is additional debriefing that will
5 ensue with at least one, if not both of the officers, so
6 I can tell you that the officer provided the inmate in
7 the officer's uniform with access to the tower, but I
8 can't speak with what the beliefs of that officer were at
9 that time or the precautions that were taken prior to
10 buzzing in the person who he believed to be the officer,
11 the trojan horse, as the senator referred to him.

12 MR. WOODS: Did the uniform fit him?

13 MS. SCHRIRO: Yes. They were -- the officer and
14 the inmate were both of similar size, and actually, they
15 resembled each other in terms of coloring and facial
16 characteristics. So there were some similarities between
17 the two.

18 MR. GUENTHER: That was after the shave.
19 Correct?

20 MS. SCHRIRO: That's correct. The inmate
21 removed his facial hair still in the kitchen prior to
22 moving across the yard dressed in an officer's uniform.

23 MR. WOODS: How did he do that?

24 MS. SCHRIRO: He had a razor, and I don't know
25 how he had access to a razor.

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1 MR. WOODS: Was there anything about his
2 appearance in retrospect that should have tipped somebody
3 off that he was an inmate in a guard's uniform rather
4 than a guard?

5 MS. SCHRIRO: Corrections officer.

6 Actually, there was an officer who was walking
7 across the yard at the time that Wassenaar was departing
8 the kitchen, and that officer recognized the inmate as an
9 inmate despite the fact that he was wearing the uniform,
10 and he too called for an IMS.

11 An IMS is our -- the process that this
12 department has adopted to respond to any critical
13 incident. It actually stands for inmate management
14 system, but it is the method by which staff organize and
15 respond to any critical incident at a facility. And
16 so --

17 MR. WOODS: Did he recognize the inmate or that
18 this was -- something didn't look right?

19 MS. SCHIRRO: No, he recognized the inmate by
20 face, and so knew something was amiss, which, again, I
21 think speaks to the value of having staff with some
22 seniority who are familiar with the inmates in a variety
23 of different ways, certainly to recognize them but also
24 to know their characteristics and whatnot.

25 MR. WOODS: Could you have something at the --

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1 that anyone wanting to gain access to the tower or other
2 important areas of the prison, that they had to
3 physically show something or put something up against,
4 some sort of security device in order to get in, rather
5 than just being buzzed in? Could that be done?

6 MS. SCHIRRO: It would require additional
7 equipment at this point in time. Given the distance of
8 the observation position on the second floor to the place
9 where the officer is, certainly you have a clear view of
10 the officer and you can ascertain that they're wearing an
11 ID badge, but from that distance, I think anyone would be
12 hard pressed to make a positive identification.

13 MR. WOODS: Have you thought about that? Is
14 that a good idea to have some -- they would actually have
15 to put something --

16 MS. SCHIRRO: Well, we've given considerable
17 consideration to that, and there are varieties of
18 technologies that are available. There are bar codes,
19 which would not necessarily have worked in this
20 instance. There is the iris scan, for example, where you
21 can provide positive identification by reading the print

22 of the iris of the eye. There are a variety of other
23 strategies.

24 I might hasten to add that one of the additional
25 corrective measures that was taken as we critiqued this

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1 situation is that -- and again, it goes back to the
2 design of the facility and some of the assumptions about
3 inmate movement and management at the time that the
4 facility was first laid out -- is that there were
5 opportunities to cross yards through different gates, and
6 what we have now superimposed, which helps us to achieve
7 some of that additional verification absent the
8 introduction of additional technology, is that the
9 officers will now only access the tower by either of the
10 two spines.

11 MR. BURKE: That's post February -- that's post
12 January 18th?

13 MS. SCHRIRO: That's correct.

14 But that means that they have to come through a
15 building, and so they pass a check point where that
16 verification occurs, and indeed you'll see that when you
17 go to the facility, as you would see at any facility when
18 you're going through a check point.

19 MR. WOODS: What happens there, at that check
20 point?

21 MS. SCHRIRO: You would provide your ID to the
22 officer. They would make a visual verification at close
23 distance that the person standing before you is the
24 person in the photograph. At a number of junctures,
25 there are also requirements to sign in, and the ID has a

1 signature on the back, and so --

2 MR. WOODS: Is that person armed?

3 MS. SCHRIRO: In that control center, no.

4 MR. WOODS: So he could just overwhelm that
5 person as well since he overwhelmed everybody else.

6 MS. SCHRIRO: No. I think we're having a
7 different conversation. I was describing the retrofit
8 that we added by requiring the employee now to go through
9 the administrative building.

10 MR. WOODS: Let's say he goes through there,
11 this guy has the uniform on, he goes through there, and
12 there's someone asking for his ID. He could just
13 overwhelm that person.

14 MS. SCHRIRO: No, because he's in a control
15 center. He would -- when you come into the control
16 center, as you'll see this afternoon, there's a pass-
17 through, and so, on one side, before you're permitted in,
18 you submit your ID card into the secure room, and the
19 observation of the officer, he's holding your card from
20 inside the safety of that control center. That person is
21 standing outside.

22 MR. GUENTHER: You know, it would really help
23 once we get out there and look at the setup, because I
24 think these pictures are helping already, and now, once
25 we get to see the facility and follow the route that the

1 prisoners took in getting both to the B building and
2 taking over the tower, it probably would help.

3 MR. BURKE: For Tom and Chase, in the states
4 you've worked in, do they have any kind of scanners like

5 we're talking about with regards to the tower?

6 MR. RIVELAND: There are a variety of
7 technologies, I think as Dora said.

8 What is a bit unique here in the design is that
9 in probably 80, 90 percent of the prisons, higher
10 security prisons in the country, the recreation yards are
11 towards the perimeter and the towers in the perimeter
12 double as surveillance entities, the armed surveillance
13 entities of the recreation yards and as perimeter
14 security, and they're accessed from outside the security
15 perimeter.

16 These yards -- correct me if I'm wrong, Director
17 Schriro -- are done only for the protection and
18 surveillance of the recreation yards on either side of
19 the spline and possibly some of the interior egress
20 points but nothing that is dealing with the perimeter at
21 all.

22 MS. SCHRIRO: That's correct. And that makes
23 this a unique design.

24 MR. RIVELAND: Very unique.

25 MS. SCHRIRO: And as Chase said, it's just, it's

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1 different.

2 MR. RIVELAND: The typical prison that I
3 described previously, with the towers on the external
4 perimeter, would normally not have a weapon inside the
5 security perimeter at all unless there were a disturbance
6 and people went in armed, such as a SWAT team or some
7 other entity like that. So this is really quite an
8 unusual design comparatively.

9 MR. BURKE: And this, Director Schriro, has been

10 mimicked in other facilities in Arizona since the
11 building of Lewis, did you say earlier?

12 MS. SCHRIRO: Well, there are placements of
13 towers inside perimeters at a number of locations, but
14 the actual tower as it's designed and constructed at
15 Lewis has been replicated at other sites, yes.

16 MR. STICKRATH: Similar to what Chase said, in
17 Ohio, we don't use this type of design. We are familiar
18 with the technology that you described. We do use one of
19 those technologies, it's more of a fingerprint/handprint
20 technology, at our highest security prison for access and
21 egress. But we don't have that type of inside tower.

22 MS. SCHRIRO: I think, you know, as I mentioned
23 before, the challenge here, because there are mixed
24 custody levels both within the units and between the
25 units, in part because of the overcrowding situation that

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1 we have, to implement the utilization of that technology
2 successfully means to ensure that those facilities are
3 dedicated to those populations for which they're
4 intended.

5 If I can, I was just going to continue with a
6 little bit of the overview about the strategies that were
7 deployed.

8 MR. BRANHAM: Could I ask one favor,
9 Mr. Chairman and Director, it would probably be helpful
10 for some folks to hear just a minute about what an IMS
11 means for you.

12 MS. SCHRIRO: The IMS is the emergency
13 response. There's a very extensive policy that
14 delineates who the first responders are, what the

15 incident command structure is, and all of the details
16 specific to the ordinary range of incidents to which a
17 correctional system can anticipate it might respond to,
18 everything from fights on the yard up to and including
19 escape attempts and hostage situations. So it tries to
20 contemplate a full range of situations that may occur in
21 a correctional system. More often than not, though, as
22 you know, it's usually the smaller situations that
23 arise.

24 The IMS also contemplates that there will be
25 frequent scenarios, and I think Senator Guenther referred

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1 to that previously, but that there are not a number of
2 simulations that are called on a regular basis, so that
3 this is a policy that is not only taught in the academy
4 during their preservice instruction but it is practiced
5 through a variety of drills in the units and at each of
6 the prisons.

7 And just building on the Senator's remarks from
8 before, they had a number of drills at the Morey unit,
9 and while staff response was exactly in keeping with the
10 IMS, it was such an unusual set of circumstances that
11 some thought initially in their debriefing statements
12 that this was a simulation.

13 MR. WOODS: Had you simulated the tower being
14 taken over by inmates?

15 MS. SCHRIRO: Actually, at another facility just
16 several weeks before, that simulation had been practiced.

17 Just briefly, the three strategies that are
18 employed in a situation such as this are the tactical,
19 the intelligence, and the negotiation. And we will talk

20 in greater detail about each of them. Suffice it to say
21 that they are three approaches that are pursued always
22 simultaneously. It's never an either/or situation. It's
23 always a combination and coordination of all three
24 efforts.

25 In a situation such as this, where as we've

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1 begun to discuss, this tower was tactically a virtual
2 impossibility. Now, let me provide a clarification. It
3 was feasible to rush and take the tower. But it was
4 everyone's belief, and continues to be to this day, that
5 had we taken the tower, that it would have been at the
6 loss of the lives of our officers. As much as the
7 tactical teams practiced at the Rast unit and indeed
8 improved their response time over the period of time that
9 they practiced, we could never reduce the time to the
10 small number of seconds that would have been required for
11 us to move clear across the yard from any of the
12 positions that you saw in terms of where the buildings
13 are and then breach the fences, which had already been
14 cut at different points along the 15-day period of time,
15 but run across the yard with ladders and then take the
16 tower, which would have to be done not only from ground
17 level at the doors but by affixing explosive to the
18 windows and then make an assault from both top and
19 bottom.

20 And so tactical was always practiced, but it
21 was -- it was never issued so long as there was
22 reasonable belief that we could bring our officers out
23 safely, as in fact we did do.

24 MR. WOODS: So you had concluded, then, sometime

25 in advance of this incident that if the tower was taken

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1 by inmates, that you couldn't -- that it would be very
2 difficult, if not impossible, to take control of the
3 situation and resolve it tactically without losing the
4 lives of officers.

5 MS. SCHIRRO: Our assessment from the first day
6 of the situation is that it would not be -- it would not
7 be feasible to rush and take the tower without that
8 occurring.

9 Some people have also asked why, when we saw one
10 inmate on the roof, as occurred on an infrequent but
11 regular basis, why we didn't take the one inmate out.
12 And the answer is very straightforward. It was always
13 our belief and in fact it was the debriefing provided by
14 our officers that whenever one of the inmates was on the
15 roof, the other inmate always had a weapon loaded,
16 cocked, and pointed at one or both of the hostages.

17 MR. WOODS: I just want to -- you would -- if
18 you've come to that -- if you had come to that
19 conclusion, then, you had to have also come to the
20 conclusion that under no circumstances can we ever have a
21 situation where the tower is taken, then, or else we're
22 not going to be able to do anything about it except
23 negotiate.

24 MS. SCHIRRO: Well, this is -- our conclusion
25 and my evaluation I'm just describing to you is from the

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1 time that the situation --

2 MR. WOODS: Well, I'm talking about prior to
3 that. You've done training before, you've done

4 simulations and concluded that there's really not much
5 you could do in a scenario --

6 MS. SCHRIRO: I cannot speak to that. I will
7 confer with the wardens who practice those simulations.
8 The situation at those facilities was different, however,
9 than it is at Lewis.

10 MR. RIVELAND: Just for clarification, did I
11 understand that you did have SWAT teams available for
12 this entire period of time?

13 MS. SCHRIRO: Yes. And I was going to continue,
14 as part of the tactical, there were sniper teams
15 reporting in from a number of agencies, including the
16 Department of Corrections, the Sheriff's Department, and
17 others, and they were always positioned 24 hours a day on
18 the roofs of the facilities. There were also tactical
19 teams deployed on the ground as well. And so while some
20 were practicing over at the Rast unit, others were always
21 deployed, ready to respond to command.

22 The intelligence facet of this particular
23 hostage-taking was very difficult, in part because of the
24 design and the construction of the tower. There have
25 been some accounts provided of that already in our

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1 efforts to utilize a variety of different kinds of
2 listening devices and placing of bugs on the building.
3 We also called upon a number of other agencies that had
4 infrared capability to fly overhead as well as to try to
5 ascertain movement from the ground, and in all of these
6 instances, we were not successful.

7 There was one particular bugging strategy that
8 was utilized that provided us with some limited

9 information, but because of the placement, or the
10 movement of the inmates in the tower, it was -- it didn't
11 provide very much useful intelligence at all.

12 In the end, much of our intelligence came from
13 our collective years of experience in the business in
14 terms of reasonably anticipating what their movements
15 would be, coupled with the extensive debriefing that the
16 first officer provided after the time that he was
17 released, recognizing, of course, that they were likely
18 to change up their movements, knowing that we would be
19 debriefing him.

20 The third facet of this particular situation is
21 negotiation. And the negotiation, as you all know, has
22 really two facets to it. There are the convincing
23 strategies and the pressuring strategies. And this, of
24 course, really speaks to the interaction and the
25 continuous collaboration that has and did occur between

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1 the tactical, the intelligence, and the negotiating
2 units, so that as information was collected, it was
3 provided to the negotiating teams, and that frequently
4 the pressuring strategies that are part of the
5 negotiation were also the maneuvers that were
6 accomplished by the tactical teams. So when we would
7 approach the tower and place a cut in the fence, for
8 example, that was a pressuring strategy, but it was also
9 executed by the tactical teams.

10 Some of the other pressuring strategies to
11 modify the environment included shutting off the water
12 for a number of days and cutting off electrical power to
13 the tower as well.

14 In order to inform our decision-making through
15 the negotiation and the tactical discussions, another
16 form of intelligence was our utilization of profilers,
17 experts who were asked to profile each of the two inmates
18 as individuals, and every bit as important, to profile
19 the two of them working together in a team, looking not
20 only for the buttons we could push for each of them but
21 where there may be opportunities where they might have
22 common goals that would advance our negotiation process
23 or opportunities to drive wedges between them.

24 As is the case with many negotiations, we also
25 called upon and utilized TPIs, third-party

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1 intermediaries, identifying from the first day family
2 members who could provide us with both intelligence and
3 then perhaps some assistance as a TPI, and then
4 continuing to cull through family members who would be
5 most effective for direct contact. And TPIs provided
6 both taped statements, some of which were played for the
7 inmates, and in other instances, direct contact under the
8 guidance of negotiators through the course of the
9 negotiations.

10 In all instances, the three teams were staffed,
11 as I've mentioned before, with responders from within the
12 Department of Corrections and other agencies. Again, I
13 think one of the things that speaks to this situation and
14 I think touches on some of Mike's observations, because
15 he was one of the agencies who assisted us with the
16 response as well, is that this is a situation that went
17 on for a considerable length of time, and so, to develop
18 command structures and to maintain the coordination that

19 was necessary, not just over a course of minutes or hours
20 but over a period of days so as to achieve the desired
21 outcome.

22 As a brief summary, in the end, on February 1,
23 the situation which started in the kitchen and moved
24 across a yard was contained to the tower, and neither the
25 rest of the unit nor the complex was ever involved in the

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1 situation. That also speaks, as a pause, to important
2 modifications that we made to our IMS response. Because
3 of the nature of this critical incident and the duration
4 of this critical incident, we ultimately created two
5 command structures at Lewis, one to manage the focus on
6 the tower and the other activity in the Morey unit, but
7 then the rest to manage the prison complex, which could
8 at a moment's notice have become involved as well. And
9 so we can speak more about that when we're at the
10 facility, that additional information will be provided.

11 And clearly, the escape attempt of these two
12 inmates was thwarted. They never left the Morey unit nor
13 left the Lewis compound. There was no loss of life,
14 certainly not of our staff nor of any responders who were
15 prepared to take the tower, if necessary, and who did
16 indeed approach the tower on a number of occasions, for
17 some of the reasons that I've described to you
18 previously.

19 At this point in time, there appear to be no
20 apparent accomplices that are known to us. And just as
21 two other updates, the investigative team -- and I will
22 be introducing them to you shortly, with permission of
23 the co-chairs -- the investigative team, which is made up

24 of law enforcement personnel from the Departments of
25 Correction and Public Safety and operate under the

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1 direction of the prosecuting attorney, they have provided
2 the prosecuting attorney's office with a preliminary
3 report, and that preliminary report has been discussed,
4 and a request for some additional information has been
5 directed by Mr. Romley's office, and so they will
6 continue to move with full speed to meet the remaining
7 informational needs that Mr. Romley and his staff has put
8 forward.

9 The two inmates, Coy and Wassenaar, are
10 currently still in the state of Arizona. They are being
11 housed in a Bureau of Prisons facility. And that is
12 accomplished as a result of an interagency agreement
13 between the Department and the Bureau of Prisons.

14 I'd like to go forward briefly and talk about
15 managing the aftermath, because it is indeed every bit as
16 important as our management of the 15-day --

17 MR. WOODS: Can I just ask you, what concessions
18 were made to the officers -- to the prisoners to secure
19 their surrender?

20 MS. SCHIRO: In the end, none, in my opinion.
21 From early on, we were interested in transferring them
22 from the state. These are two inmates that had intimate
23 knowledge now of the tower and, in our view, could not
24 remain in the state. We could never be certain that they
25 would not have access to any opportunity to provide

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1 information to any other inmate. And so it was always

2 our intent to move them. So I'm not sure that there were
3 concessions, per se.

4 MR. WOODS: Is that what they wanted, though?

5 MS. SCHRIRO: Well, you know, part of what made
6 this so difficult was trying to elicit from them what it
7 is that they did want. And a lot of the negotiation
8 process was endeavoring to have them articulate what it
9 is that they expected to accomplish by being in the tower
10 and under what circumstances they would walk out of the
11 tower and let our staff go.

12 In the profiling of these inmates, it suggested
13 that Wassenaar was the leader and had prepared much of
14 the plan, to the extent that there was a plan. Wassenaar
15 was not quick in making decisions, and in my assessment,
16 particularly short on ideas, and so part of the
17 difficulty was introducing -- introducing strategies that
18 he would adopt as his own so as to move it forward.

19 Much of the negotiation process was -- was not
20 only working on a pressuring strategy to push him towards
21 making those final decisions that we had established as
22 our goal from the beginning, but the convincing aspect
23 was to have them believe that we were going to do the
24 thing that we would do in the ordinary course of
25 business.

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1 As Chase and John know, but others may not, it
2 is routine in state correctional agencies to have
3 interstate compact agreements with other correctional
4 systems because at some point in time every correctional
5 system has some small number of inmates, for -- usually
6 for management reasons and infrequently for protective

7 purposes or for compassionate purposes, will move those
8 inmates to some other location. Arizona has interstate
9 corrections compacts with the majority of the other
10 states in the country, and indeed, we have a hundred
11 inmates today who are serving time for crimes committed
12 in Arizona but they are serving their time in other
13 states. Likewise, Arizona has in its custody a hundred
14 inmates from other jurisdictions, including five now, it
15 used to be six, inmates who were transferred to Arizona
16 from Ohio after the Lucasville disturbance.

17 And so that thing which we would do which is in
18 our department's best interest to do still required
19 efforts on our part for them to believe that this in fact
20 was to be accomplished.

21 MR. WOODS: Is there a downside to that? Could
22 you address -- you know, there is a theory in other
23 situations, anyway, that are analogous that you don't
24 negotiate concessions. And I understand what you're
25 saying is this is what you would have done anyway, but

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1 creating the appearance amongst prisoners that you did
2 negotiate and that you did concede something flies
3 counter to the idea that we will not under any
4 circumstances negotiate with, in this case, prisoners in
5 this situation. Is that -- could you just comment on
6 that, on whether that's a good idea or a bad idea?

7 MS. SCHRIRO: I appreciate the question. I'd be
8 very happy to comment on it.

9 It is our responsibility to preserve life and to
10 protect our staff, and to secure their release from the
11 tower alive was only in this instance to be accomplished

12 by negotiati on. And we were unwavering in our commi tment
13 to bring them out alive, and indeed, we succeeded in our
14 goal .

15 That these men will be facing significantly -- a
16 significantly long list each of charges and that that
17 time will be served under the most onerous situations,
18 they will clearly be classified as high custody inmates
19 and will be confined under the most restricted situations
20 that any correctional system can impose is the -- is what
21 they have facing them as a result of the additional
22 felony crimes that they have committed.

23 MR. GUENTHER: Director Schri ro, before you go
24 to the aftermath, can I just ask a couple of questions
25 about the facility?

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1 MS. SCHRI RO: Certainly.

2 MR. GUENTHER: Is the blue to the north and the
3 red to the south, in the -- you've got two different
4 sections within the Morey unit, one being blue, one being
5 red.

6 MS. SCHRI RO: Yes.

7 MR. GUENTHER: Blue north, red south.

8 MS. SCHRI RO: Yes.

9 MR. BRANHAM: A and B I think is the best way to
10 look at that.

11 MR. GUENTHER: And the other is that, did I
12 misunderstand you that there was an officer crossing the
13 yard when Wassenaar was going down the spline that
14 recognized him?

15 MS. SCHRI RO: I don't -- was that in the yard or
16 in the kitchen?

17 MR. MCHUGH: To my knowledge, there was not
18 another officer who recognized Wassenaar.

19 MS. SCHRIRO: I thought I -- let me check. I
20 thought I recalled reading that from --

21 MR. GUENTHER: Because I thought the only IMS
22 that was issued, or at least the first one, was from
23 Correctional Officer Dubon (phonetic) at about 500 hours.

24 MS. SCHRIRO: I read that somewhere, and that's
25 the problem with reading a lot of preliminary reports.

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1 I'm not sure what was supposition and what is fact, and
2 that's the purpose of the administrative review.

3 MR. BURKE: We will be able to clarify that
4 during the administrative review. It will be provided to
5 us. Is that correct?

6 MS. SCHRIRO: Yes, sir.

7 MR. GUENTHER: And then just one last question.
8 Currently, there are only two gates to the splines, one
9 on each end, one from the A building, one from the B
10 building, and there's no other access to the doors at the
11 base of the tower.

12 MS. SCHRIRO: Well, there are other gates, but
13 they are now secured and only to be utilized in response
14 to an IMS.

15 MR. GUENTHER: So they're locked.

16 MS. SCHRIRO: That's correct.

17 MR. GUENTHER: Thank you.

18 MR. BURKE: Director, I have a few questions on
19 the design.

20 This -- having -- I understand from what you've
21 stated and what Chase and Tom stated, having this tower

22 in the center of the yard is a unique design for a prison
23 setup like this.

24 MS. SCHRIRO: Yes.

25 MR. BURKE: Do you know what year the Morey unit

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1 was built?

2 MS. SCHRIRO: It was the first of the units that
3 was constructed at Lewis. I think it's been open about
4 five years. I don't know if someone recalls.

5 Mike, if you know.

6 MR. SMARIK: I think it was '97. '97, '98.

7 MR. BURKE: A typical setup, would it be to have
8 more towers on the perimeter as opposed to a tower in the
9 middle?

10 MS. SCHRIRO: Well, in more modern designs, they
11 tried to move away from multiple towers because those are
12 posts that tend to demand a lot of staff time.

13 MR. BURKE: So this was a cost-cutting measure,
14 to stick the tower in the middle?

15 MS. SCHRIRO: Well, perhaps. In some of the
16 facilities that we constructed in Missouri, for example,
17 there would be a building positioned with an observation
18 deck, but it would be considered outside of a secure
19 perimeter. So, I mean, there are different ways to
20 accomplish monitoring of the yard and even the issuance
21 of lethal weapons but not have them available as they're
22 available in this set of circumstances.

23 MR. STICKRATH: I would describe it more as
24 architectural philosophy at the time it was built, more
25 so than cost cutting, per se. Most of the cost cutting

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1 comes, as the director indicated, from cutting the
2 perimeter towers that you used to see in many facilities.

3 MR. WOODS: Where would you put -- if you were
4 going to do one tower, though, where could you put it in
5 this design?

6 MS. SCHRIRO: Well, I'm not sure, according to
7 this design, you really could. I mean, you could have --
8 you could keep the tower where it is but revisit the
9 assumption about deploying weapons to it, and so the
10 response would come from the perimeters either by ground
11 level or by roof.

12 MR. GUENTHER: Are there any other lethal
13 weapons within the perimeter?

14 MS. SCHRIRO: No. Not within the perimeter.

15 MR. BURKE: If the tower were not in the middle
16 and were on the perimeter -- I guess this is asking you
17 how it was set up in other states -- there is less chance
18 of inmate access, I assume, to those particular towers
19 than this setup.

20 MS. SCHRIRO: You know, it really depends on
21 architecturally as well as an inmate management
22 perspective what it is you intend the tower to
23 accomplish. In earlier designs, where towers were
24 constructed around the perimeter, sometimes at the four
25 corners, sometimes at additional points along the way, it

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1 was as much to monitor contraband movement from the
2 outside in as well as inmate movement within side of the
3 secure perimeter. So, again, depending on what it is you
4 want the tower to accomplish is where you would place it
5 and how you would equip and staff it.

6 MR. BURKE: Thank you.

7 MR. RIVELAND: Dora, I had a question or two on
8 this also. You said earlier that when you had two
9 officers in the tower, that one would operate the
10 controls and the other one, if the yards were occupied,
11 would have a person on the roof. Do I assume that that
12 person was armed, visibly armed, carrying the AR-15 at
13 that point, on the roof?

14 MS. SCHRIRO: It would be -- it would be readily
15 available to them. I can't -- I don't know that I can --
16 I'm going to have to ask the warden for you as to whether
17 or not -- the manner in which it was displayed or not.

18 MR. RIVELAND: And the person in control, what
19 other places of egress could they control from that
20 control room? Do we know? Or is that easier to answer
21 out there?

22 MS. SCHRIRO: Well, we can certainly show you
23 when we go to the tower, but you had -- you had control
24 to the gates and the various doors.

25 MR. RIVELAND: On the buildings also?

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1 MS. SCHRIRO: No.

2 MR. RIVELAND: Just the gates, the internal
3 gates.

4 MS. SCHRIRO: Yes.

5 So if where you're going is to what extent does
6 this mirror a control center, it is designed to be
7 different.

8 Now, we did have opportunity from other
9 locations to control a number of things in the tower.
10 For example, we were able to disable phone jacks from the

11 distance. We were able to disable a number of things
12 from other locations. But the reverse is not true. The
13 tower doesn't have the same ability to affect --

14 MR. BURKE: Did the Huntsville, Texas, incident
15 involve the taking of a tower?

16 MS. SCHIRRO: It involved accessing the tower to
17 obtain weapons that were stored in the tower. But they
18 did not take the tower.

19 MR. BURKE: Was it a similar design to Lewis?

20 MS. SCHIRRO: I don't think so. But, again,
21 similar in its equipment.

22 MR. STICKRATH: I had a question, Director, if I
23 could, back to the security levels. You mentioned at the
24 outset, I think, that there are multiple security
25 levels. Could you just real briefly clarify for me how

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1 many security levels you have in the Department and which
2 ones you had at the Morey unit?

3 MS. SCHIRRO: Certainly.

4 There are five custody levels in the
5 Department. Level 1 is minimum, level 5 is maximum,
6 level 3 is medium, and then level 2 is low-medium, and
7 level 4 is high-medium.

8 At the -- at the Morey unit, you had a number of
9 different custody levels, 2, 3, and 4. The common
10 denominator is that they were all classified not only by
11 custody level but by additional management requirements
12 as requiring protective segregation.

13 MR. STICKRATH: Thank you.

14 MR. VANDERPOOL: Director, does being buzzed in
15 also require voice identification, like giving a badge

16 number or some identification, like "Jones 123"?

17 MS. SCHRIRO: I don't know at that tower. But

18 I'll get that for you when we get out to that tower.

19 That's going to vary around the Department.

20 I don't know, Mike, if you can answer that now.

21 I don't know that there's an audio -- I don't recall

22 seeing it when I was there.

23 MR. GUENTHER: And the other question would be,

24 you know, "Why do you want in?" I mean, you know, as far

25 as the staff in the tower. You know, "Why do you want in

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1 my tower?"

2 MS. SCHRIRO: Well, I mean, certainly. And

3 that's the reason that you have the two pass-through

4 windows, so that if materials that are kept in the tower

5 need to be exchanged, there's the opportunity to make

6 that exchange without opening the door.

7 MR. VANDERPOOL: Two follow-ups to that.

8 Do the -- do the officers have stab-resistant

9 vests, and are they -- would they be worn by these

10 officers that were involved in this incident?

11 MS. SCHRIRO: The Department has in its regular

12 issue vests that are resistant to shanks. They are

13 typically issued at certain housing units and certain

14 housing custody levels. For example, if you went to

15 SMU 2, it is required of every officer that protective

16 gear be worn in those situations. That would not be

17 typically required in this particular situation.

18 MR. VANDERPOOL: And then, the officers

19 involved, do they have portables?

20 MS. SCHRIRO: Portable radios.

21 MR. VANDERPOOL: Portable radios. And do they
22 have the alert?

23 MS. SCHRIRO: No. That's one of the things that
24 I mentioned before, that the radios that our department
25 has issued staff do not have a man down button on them,

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1 nor are they issued a separate man down alarm.

2 MR. WOODS: I missed -- I just missed a little
3 bit of the story. It sounds like a lot of people have
4 examined the details of this already. I have not.

5 The first inmate who had the officer's uniform
6 on gained access, he was buzzed in.

7 MS. SCHRIRO: That's correct.

8 MR. WOODS: What happened next?

9 MS. SCHRIRO: After he made his way to the tower
10 and was permitted access, he overcame one officer first
11 and then the second officer. At that point, he had
12 control of the tower.

13 At the point that Coy, the other inmate, still
14 in the inmate uniform, came across the yard, there were
15 staff who were already in the process of responding.
16 Wassenaar, from the door on the lower level, used one of
17 the weapons and fired into the yard, which made it
18 possible for Coy to reach the tower and enter as well.

19 Okay. If I can just continue, then. I was
20 going to discuss managing the aftermath, which is a
21 matter of great weight and equal importance and a part of
22 which you play a significant role.

23 As Mr. Burke provided in his opening remarks,
24 the critical review has three parts. There is the
25 criminal investigation, and I've described the method by

1 which that is proceeding. There's also an administrative
2 review. And the administrative review is an activity
3 that the Department pursues in the ordinary course of
4 business in response to any IMS that is called and
5 activated.

6 In this instance, the administrative review has
7 been substantially expanded in several different ways,
8 and shortly, I'll introduce to you the two gentlemen who
9 are both participating in the criminal investigation as
10 well as the administrative review.

11 The administrative review endeavors to
12 accomplish answers to a number of the questions that the
13 Governor has raised in her charge and that you have all
14 spoken of today. It's to establish the predicates that
15 lead up to the incident in the kitchen, to reconstruct in
16 complete and accurate detail all of the events that
17 occurred in the kitchen, across the yard, and into the
18 tower, as a first step of the inquiry. We're going to
19 then, as Mr. Burke mentioned, then hope to reconstruct
20 the 15 days that the two inmates and the two and then one
21 officer were in the tower.

22 The administrative review in this instance is
23 enhanced by additional subject matter experts who will be
24 working with Mr. Smarik, who I'll introduce to you
25 shortly. Mr. Smarik is the division director in whose

1 unit the administrative reviews, the criminal
2 investigations, are conducted.

3 Working with Mr. Smarik is John Phelps, who's

4 the deputy director of the State's Department of Homeland
5 Security, and also our assistant chief, who I think is
6 still on the line, from the Tucson Police Department, and
7 so the three of them will be overseeing the work that is
8 conducted.

9 When I introduce the gentlemen to you, they will
10 provide you with an overview, a template, if you will, of
11 the questions that are ordinarily included in the
12 investigation of an attempted escape, which, amongst many
13 other things, these 15 days were. Clearly, that template
14 is going to be modified so as to incorporate all of the
15 other inquiries that need to be made to provide you with
16 that complete and accurate reconstruction, and so provide
17 you with full and correct information to the questions
18 that you've put forward today.

19 And then finally, the critical incident review
20 is going to involve your work. And as I mentioned as I
21 first addressed you, we are dedicated to meeting all of
22 your informational needs and providing you with access to
23 whatever it is that you require so that you can make your
24 report as excellent as it needs to be.

25 Part of the management of the aftermath as well

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1 concerns communication, and I'd like to describe just
2 briefly the communication that occurred both during the
3 15-day period of time as well as our efforts for
4 communication since then.

5 During the incident, there were, on my part,
6 e-mail updates that I provided to all of the ADC staff on
7 a daily basis. And I would provide them with these
8 updates at the end of the day, frequently pretty early in

9 the morning, and advise them in general terms as to the
10 status of our efforts and to inform them of welfare
11 checks that were accomplished that day of the staff and
12 to provide other information that could be shared at that
13 point in time.

14 It was also an opportunity for me to present for
15 all of them questions that were bubbling up, indeed, many
16 of the questions that you and the others have asked
17 today, and to provide as complete answers as I could to
18 staff as we went through it. And I think that was a
19 really excellent exercise to have pursued, and it's a
20 process that I'm continuing to -- well, I had done it
21 before with them, but I'm continuing to provide them with
22 periodic updates, so that they knew about the creation of
23 the three-part process, for example, and their
24 opportunity to participate in the four hearings that have
25 been announced.

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1 Also, during the incident, there were periodic
2 briefings with the Legislature. The Leadership was
3 contacted when the incident first arose and then
4 briefings were provided periodically to Leadership and
5 others that they suggested that we reach out to as well.
6 With the executive, there were briefings that occurred
7 more than once daily so that there was a regular flow of
8 information as well to the executive branch.

9 MR. BRANHAM: May I ask a quick question?

10 Director, just prior to the communications
11 piece, though, was there ever a thought in your mind that
12 this particular incident was a part of anything larger as
13 it related to the prison system itself?

14 MS. SCHRIRO: That is always something that we
15 contemplate, and thank you for asking the question.

16 When any situation kicks off, whether it be a
17 fight in the yard or, in this extreme example, the taking
18 of the tower, we respond to it for what it is, but we
19 also assume that it could mean something else as well.
20 And so, in this particular instance, the command
21 structure that is contemplated in the IMS was
22 particularly useful, because, as I've referenced before,
23 there were not only the two command centers at Lewis, one
24 to manage the incident and the other to manage the rest
25 of the facility, but the agencywide command center, which

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1 was operated around the clock from central office, and I
2 was its incident commander. And the reason is, we don't
3 know, you know, until an event evolves and indeed as the
4 investigation ensues whether, if this thing is just one
5 of a number of things that are -- were intended to kick
6 off at the same time or that it could trigger a response
7 from the population or, over the course of the days, that
8 there could even be copycat situations.

9 And so, throughout this event, not only were we
10 responsible for coordinating the communication and the
11 activities of the three functions that I was describing
12 to you, but also to have leadership on site in each of
13 the other facilities around the clock, and they provided
14 to us written updates on an hourly basis so that we could
15 ensure that there would be no other situations related to
16 this situation so that, should such a situation arise, we
17 could respond to that quickly.

18 Likewise, as it became clear to us on the

19 Saturday that the first officer was released and the
20 Sunday that the second officer was released, that these
21 events were likely to occur, we were hoping that they
22 were to occur, there was additional coordination with the
23 rest of the facilities so that we could accomplish
24 several things. First, respond instantaneously to any
25 kind of reaction that the inmate population might have in

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1 response to the news that the first officer and then the
2 second officer were released, but also so that we could
3 continue to sustain our efforts so as to provide the news
4 to our staff first. It's ever been so often the case in
5 prior years that when a situation arise, staff would hear
6 about it from the inmates who were watching the TV while
7 the officers were working their post, and so our efforts
8 to continue to maintain contact and provide reliable
9 information to staff was really important to us.

10 Does that answer your question, Mr. Branham?

11 MR. BRANHAM: Yes, ma'am. Thank you.

12 MR. WOODS: Can I ask you, was the decision-
13 making, did it -- was the executive branch, other than
14 yourself and DOC, were they involved in this
15 decision-making, during the course of the negotiations?

16 MS. SCHRIRO: No. We provided --

17 MR. WOODS: In other words, was it just briefing
18 them, or were they actually actively involved in making
19 certain decisions?

20 MS. SCHRIRO: I've always performed the duties
21 of director and have never delegated those duties to any
22 other entity. I endeavor to provide timely updates,
23 particularly when critical decisions had already been

24 made, but never hesitated making a decision and then
25 communicating it after the fact.

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1 MR. WOODS: And that's what happened here.

2 MS. SCHRIRO: Yes, sir.

3 The briefings were also provided to the press,
4 initially on an ongoing basis, and then after several
5 days, there were briefings that were scheduled at
6 established times through the course of the day so that
7 any updates could be provided on a regular and routine
8 basis. But our PIOs, our public information officers,
9 remained on site and were available to the press
10 throughout the event, so if they -- they needed
11 additional information in between a briefing time, staff
12 would be available to them. Here again, because this was
13 an event that went on for such a long number of days, we
14 drew heavily from other state agencies, who provided
15 support, so as to maintain contact with the public
16 through the media.

17 We also deployed a number of our managers not
18 just to the facilities to manage them throughout but to
19 staff the three command centers that I've just described
20 to you. So there were always several wardens that were
21 dispatched to me on an ongoing rotating basis at the
22 agencywide command center. Likewise, there were
23 additional wardens and deputy wardens on site at Lewis.
24 So in addition to seeing a number of the State's PIOs,
25 one of our wardens, Warden Bartos, was also frequently

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1 speaking to the press.

2 MR. WOODS: What considerations did you have as
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3 far as what to release to the press and what not to? You
4 didn't release some, certain information to the press,
5 then or now, and what were those considerations?

6 MS. SCHRIRO: Thank you for asking.

7 Through the -- through the event, our decisions
8 about the information to release were driven by several
9 different kinds of considerations, all directly related,
10 however, to the singular goal of getting our staff out
11 safely.

12 We had information and guidance from profilers
13 that, given their personalities, that giving them
14 attention in the press, for example, releasing their
15 names, might be detrimental, and indeed, could be used
16 as -- for bargaining purposes, for convincing purposes,
17 should that be required at a later date, and indeed, that
18 did come to pass with the interview that was taped before
19 but played after the release of the last officer.

20 In the instances of our staff, they were
21 involved in a situation where they were not only public
22 employees but victims of felony crimes, and their
23 families first on their behalf while they were in the
24 tower and then the officers after their release asked
25 that we not disclose their names, release their pictures,

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1 or describe in any detail their medical conditions, as
2 they endeavored to begin their recovery from the
3 situation that they had been facing.

4 In other instances, we did not release certain
5 information because we knew that the inmates were
6 monitoring closely the coverage through the radio that
7 they had in the tower and were in other instances quite

8 concerned that if the inmates in the yard had information
9 that they too would have had access to by listening not
10 only to radios but to TVs and the newspapers, that they
11 could encourage or incite the inmates in the towers.

12 So there were a number of moving parts, and so
13 there were a number of reasons why specific kinds of
14 information was withheld during the event.

15 I guess one of the advantages of jailing as many
16 years as I have is I've also lived through my
17 conversations with other directors the situations and the
18 difficulties that they have experienced during their
19 tenure. While I did not come to the field at the time
20 that Attica occurred, many of my coworkers and colleagues
21 in New York City when I worked in New York City
22 Corrections had been directly involved in the situation
23 at Attica.

24 Likewise, I knew Tom and his boss, the
25 secretary, through my -- through my years as director in

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1 Missouri, and they had provided a number of debriefs to
2 other directors, as I intend to do as part of our
3 aftermath, and remember quite vividly stories that Reggie
4 and Tom had told about information that was provided to
5 the press and the way in which it was characterized in
6 the press and the untoward, unanticipated consequences
7 that it had with the inmates who were holding staff and
8 other inmates hostage at that situation.

9 And so it was a combination of lessons learned
10 from other situations where the outcomes were not as
11 happy as ours has been in concert with all the other
12 factors that I just described to you that went into those

13 decisions.

14 The second part of your question, and it's on my
15 list of aftermath, is the information that is provided at
16 this point in time. We've had 11 requests, which contain
17 174 questions, none of which is a singular question.
18 Most of them, as you would expect, have many parts and
19 subparts. And we have provided as many responses as
20 quickly as is possible. For actual production purposes,
21 because of the cost limitations that the press has asked
22 us to consider, you know, "If it exceeds \$100, let us
23 know," we have -- we have produced and distributed 527
24 pages of documents, and we also have made available an
25 additional 12,000-plus pages of documents for review and

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1 then for duplication as they direct.

2 We are continuing to review and then redact as
3 necessary other documents that are requested so that they
4 can be made available as quickly as possible. We have a
5 significantly large number of staff dedicated 12 hours a
6 day, seven days a week, to complying with the requests
7 that we have received. We also have received the
8 assistance of four Assistant Attorney Generals who are
9 assisting us in this process.

10 The reasons for redactions are several. There
11 are certain State statutes that require redactions
12 concerning personnel records, for example, or medical
13 records, which are also by statute confidential unless
14 waived.

15 And the only other reason that any information
16 is not being released at this point in time is because we
17 have not yet concluded the criminal investigation, and

18 State statute provides, as you know, that where there is
19 an ongoing criminal investigation, if, in our good faith
20 belief, we believe that releasing certain information
21 will jeopardize the accuracy and completeness and the
22 timeliness of that criminal investigation, that we would
23 withhold it until it's completed.

24 The other thing that we're facing is, there are
25 exceptionally good records of this entire event. Great

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1 efforts were made to document all of the activity. And
2 as a result, there were logs that were maintained from
3 both Lewis and the command center downtown. There are
4 audiotapes, and there are videotapes. And in order to
5 review all of those things to some extent, even with the
6 number of people we have, it takes almost as many days to
7 review and redact them as it took to create them to begin
8 with. And so we will continue to proceed as quickly as
9 we can with only those -- with only those considerations
10 in mind.

11 MR. BURKE: You should probably put together a
12 package, Director, of those public records for the
13 panelists too, so that they also have an opportunity to
14 review the same documents.

15 MS. SCHRIRO: I'd be very glad to, and at some
16 point welcome you to look at the area that we have
17 dedicated in the Department, we've secured it with its
18 own lock, and have required a sign in/sign out procedure,
19 so it's a restricted access area, because it's really
20 essential that we respond quickly, and as you also know,
21 that we clearly have an obligation to preserve any of the
22 evidence that would be required for prosecution purposes.

23 MR. WOODS: Do you have a time frame, do you
24 have any estimate on when you'll be ready to file
25 criminal charges?

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1 MS. SCHRIRO: Thank you for asking.
2 The conversations that we've had with the
3 prosecuting attorney's office up to and including today
4 lead us to believe that they are pressing hard to bring
5 charges sometime this month. I think there has been some
6 discussion still, I'm not sure that there is resolution
7 as to the method that they're going to pursue, that is,
8 whether or not they're going to schedule preliminary
9 hearings first or go straight to a grand jury, and then,
10 of course, as you know, charging will follow thereafter.

11 One of the reasons that we are retaining the
12 inmates in state is because we want to make them
13 immediately available if they need to be present for a
14 hearing, and if not, to have them available for the
15 charging.

16 Just to summarize some of which has already been
17 said, in the management of the 15 days and in the
18 management of the aftermath and all of the efforts for
19 continuous improvement that will ensue well beyond the
20 conclusion of any of the reports that are prepared and
21 submitted, we see that there are a number of
22 opportunities for improvement. And I'd like to speak to
23 some of those briefly, not only as it relates to
24 opportunities within the agency, but I think some
25 opportunities, with your further deliberation, that may

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1 be available between the agencies, and it goes back to
2 some of the remarks that Mike made earlier.

3 We have begun reviewing a number of the policies
4 and procedures that were in effect and remain in effect
5 at the Department to see what revisions are indicated.
6 And we also anticipate that in the feedback that we have
7 invited staff to provide, that we will derive a lot of
8 benefit from their remarks as well. They are, in their
9 own right, experts. They're the folks who actually
10 implement the policies and procedures and post orders,
11 and I think that they will really inform our review of
12 those activities.

13 As we've touched on briefly throughout this
14 conversation, there are a number of opportunities
15 concerning the physical plant, modifications that need to
16 be made or might be made. And those modifications may be
17 things such as adding or expanding equipment. We talked,
18 for example, about there not being cameras at present. I
19 think we -- I'm sorry, I've had so many conversations,
20 I'm not sure what I've said to this group, but cameras
21 are in relatively short supply at the facilities, and so
22 whereas there are cameras in the dining rooms because
23 that is a place where inmates in a congregate setting
24 frequently will kick off a situation where there's an
25 anticipated need to have good documentation for

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1 investigation purposes, there were not cameras in the
2 kitchen. And so that's -- that is an example at one end
3 of a modification to the physical plant.

4 At the other end, some of the things that we
5 discussed, for example, is even reconfiguring the towers.

6 There are opportunities to revisit the equipment
7 that is issued to officers and the occasions under which
8 that equipment ought to be utilized, and we touched on
9 several of those, again, in our conversation this
10 afternoon, whether it be the circumstances under which
11 certain kinds of protective vests or protective gear is
12 issued and indeed required of staff to wear, as well as
13 the nature by which they communicate with each other,
14 either for routine communications as well as to signal
15 distress.

16 We talked about equipment for achieving
17 verification of either staff and/or inmates, again, so as
18 to ensure that they cannot overcome the identification
19 systems that are currently in place.

20 We've not touched as much on, but one of the
21 things that we're giving careful review to as well are a
22 number of issues concerning staffing. In the Department,
23 they have a level of staffing that has been referred to
24 as D level staffing. D level staffing has been
25 established as the minimum number of posts that must be

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1 manned on a particular shift on a given day so as to be
2 able to operate the facility. If the facility was to run
3 below D level staffing, that would then trigger
4 management imposing mandatory overtime on the part of an
5 employee so that you maintained at least that level of
6 staffing.

7 MR. BURKE: Director, is that level of staffing
8 a determination that's been made by this department, or
9 is there some sort of accreditation level that the
10 Department is to meet with regards to staffing?

11 MS. SCHRIRO: Well, since this was in place
12 before me, my best response, and I will provide you with
13 a more accurate reply or verification, is that this is a
14 combination of the actual positions that we have been
15 authorized and then deployed to those -- to those points
16 in the facility which have been determined to be
17 absolutely essential to be manned at any point in time.
18 I don't think there's anyone in the Department who would
19 say that on a given day we need more than D level
20 staffing so as to provide the level of services and to
21 manage the population according to the assumptions of
22 movement that are inherent in the physical layout of any
23 of the institutions.

24 MR. BURKE: Is the Department audited by any
25 outside entity?

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1 MS. SCHRIRO: No, not as it relates to number of
2 posts, no.

3 Several years ago, the Department did request a
4 staffing study be conducted. And that staffing study was
5 the basis for subsequent years' requests for additional
6 positions. Those positions were not funded in full, and
7 I don't believe were funded even in part, but I will -- I
8 will check on that for you.

9 But, again, I think given the ever changing
10 nature of the population, this, like a classification
11 system, is something that needs to be revisited on a
12 periodic basis so that all of your precautions remain
13 current of the actual population that you're managing,
14 not just in terms of its number but by virtue of its
15 nature.

16 MR. RIVELAND: Regarding that, Director Schriro,
17 when was the last time that the Arizona classification
18 system was --

19 MS. SCHRIRO: It's -- unfortunately, it's a
20 considerable time ago. It was -- as best as I can tell
21 from the records I've reviewed, it was last validated in
22 1986. So it's considerably overdue for revalidation.
23 And it's something that we spoke about very early in my
24 tenure as something that needs attention as it relates to
25 the female population. This is something that needs to

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1 be done specific to male and female inmates and to ensure
2 that we are correct in our assessments about what would
3 constitute placement at the appropriate custody level.

4 One of the other -- there are three other
5 staffing issues I'd like to just touch on briefly.

6 In the Department, there is some discussion,
7 or -- through the -- for example, through the special
8 session, there was discussion about vacancy rates. And
9 it is always important to monitor the number of vacancies
10 that there are in the Department at any point in time,
11 but the number of vacancies is indicative, I think, of an
12 underlying issue that requires more attention, and that
13 is, it's not just that a vacancy gets filled and gets
14 filled quickly, but then what the impact of a turnover
15 rate has on longevity of the staff and so its seniority.
16 So it's not just having the correct number of officers
17 deployed in a facility at any point in time but having a
18 sufficient number of officers with sufficient breadth of
19 service that they respond to situations and identify
20 situations as one would expect of more tenured people.

21 And so one of the things that really needs to be
22 given consideration is the relatively large number of
23 junior officers, particularly at a place like Lewis.
24 Indeed, that was the rationale for including in the call
25 of the special session that we retain the partial funding

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1 of recruitment incentives at Lewis in particular so that
2 we not only found but were able to keep the excellent
3 people that we were hiring.

4 Likewise, Departmentwide, and more pronounced at
5 Lewis, is that one of the ramifications of having a
6 relatively large number of less senior people is that not
7 only does that impact your line staff and their ability
8 to respond, but what then is the available pool of line
9 officers for promotion? And so, at Lewis, you're going
10 to see, in comparison to the rest of the Department, that
11 there's a greater number of sergeants, your first-line
12 supervisor, with less seniority than we would want under
13 ordinary circumstances, but this is something that
14 challenges us at every facility.

15 MR. WOODS: Are you saying that this might have
16 come out differently or been prevented somehow if you
17 would have had either more or more experienced staff?

18 MS. SCHRIRO: Not necessarily. What I'm saying
19 is that I've been asked by the Governor to look at not
20 just what contributed to this situation but what could
21 also contribute to another situation so that we take the
22 biggest look and propose the most comprehensive fix. You
23 know, certainly, in my remarks this afternoon, I have
24 described to you a number of things that went well.
25 There was no loss of life. There was no escape from the

1 facility. There was no loss of control of a housing unit
2 or a whole unit or an entire facility. So many things
3 were done well by a staff that is relatively junior in
4 their years of experience, but that there is -- that
5 there is a paucity of senior staff I think also has a
6 part to play in this. I'm not sure that I'm ever going
7 to be able to tell you the extent to which --

8 MR. WOODS: When you say "in this," you mean
9 this incident?

10 MS. SCHRIRO: Yes, sir.

11 MR. WOODS: Can you think of anything?

12 MS. SCHRIRO: Anything, what?

13 MR. WOODS: Anything that might have been
14 improved had you had more staff or more experienced
15 staff.

16 MS. SCHRIRO: There -- again, this is a
17 hypothetical question. Usually they tell us never to
18 answer a hypothetical, but -- possibly. The -- perhaps
19 more senior staff may have detected in the welfare checks
20 that the officers provided that something was amiss, that
21 the movement perhaps of --

22 MR. WOODS: Is that in the kitchen?

23 MS. SCHRIRO: I'm sorry?

24 MR. WOODS: In the kitchen?

25 MS. SCHRIRO: Yeah.

1 I mean, you know, there are nuances throughout
2 this event that sometimes years of experience will cause
3 the little hairs on the back of your neck to go up that
4 would be missed by people with less experience. For

5 example, I mentioned to you early on, walking into a
6 kitchen and observing that, "Well, why don't I see
7 inmates around and I see food out on counters," but, you
8 know, I mean, just -- just, perhaps, seeing some of those
9 cues, as folks like Chase and Tom and I and Mike in
10 juvenile corrections and the sheriff at his jail, when
11 you walk through a yard or a housing unit, by its sound
12 or lack of sound, you can intuit that there are things
13 that perhaps require further review and fairly quickly.

14 We will certainly be looking at staff training.
15 Arizona is distinguished in that its academy participates
16 in the POST process. Clearly, the POST curricula is
17 different for the correction officer than it is for the
18 peace officer, but that the curricula undergoes the same
19 rigorous review by the POST commission is something that
20 really sets Arizona out in a very positive way, but,
21 again, in the aftermath, we'll look hard at the number of
22 hours in the various subject areas and look at the
23 balance of classroom instruction and then the actual
24 practice during the probationary period and beyond.

25 MR. BURKE: That will include staff training,

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1 Director, for the tower position itself --

2 MS. SCHRIRO: Yes. And they all go to the
3 fundamental, the core practices and the fundamental
4 assumptions associated with managing a local or a state
5 or a federal corrections system, you know, core
6 assumptions such as redundancies and verification and
7 things of that sort.

8 The field training is where one really acquires
9 practice specific to specific posts at a facility. But

10 understanding the underlying principles is one of the
11 primary responsibilities of the preservice and classroom
12 instruction.

13 MR. BURKE: Are staff now taught to be careful
14 about patterns they develop on shifts that would allow
15 inmates to pick up on that? Because you'd mentioned
16 earlier, going back to Wassenaar getting the uniform,
17 whether it's a coincidence or planning, pattern, that he
18 ended up getting the uniform of an individual of the same
19 size seems to me to indicate that he would be picking up
20 on a pattern.

21 MS. SCHRIRO: The staff is impressed from the
22 beginning through the end of the academy and throughout
23 their tenure about the need to be alert at all times. I
24 think one of the challenges that we all face in a
25 correctional system is that most times things run in a

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1 routine way. And that's one of the special reasons why
2 the simulations is particularly important, so that people
3 get to practice responses to untoward events that
4 typically don't occur in a correctional setting, but when
5 they do occur, can have catastrophic consequences.

6 So the teaching of being alert at all times to
7 your environment and always being professional in your
8 demeanor speaks to the needs to maintain that kind of
9 vigilance and to detect any changes in patterns in inmate
10 conduct as well.

11 MR. COHEN: Mr. Chairman.

12 MR. BURKE: Mr. Cohen.

13 MR. COHEN: I just have a quick question and
14 follow-up to what you just said.

15 Director, is there any indication on how a
16 prisoner in the kitchen was able to have knowledge of
17 your code 20 process? There's documentation I've seen
18 already that they not only knew that it would take place
19 but also knew what to instruct the correctional officers,
20 how to respond.

21 MS. SCHRIRO: That's an excellent question.

22 I mean, again, it's because the nature of our
23 work is such that it's done out in the presence of the
24 inmate population. And it's just, for all of us who
25 listen to TV programs and listen to the various code

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1 exchanges that law enforcement makes, it's not much
2 different in a correctional setting. We don't do our
3 work in an office with a door shut. We do our work in
4 the yards and the corridors and the housing units in the
5 presence of the inmate population.

6 MR. BURKE: Will you also, Director, with
7 regards to inmates, look at their rotation with regards
8 to their particular duties?

9 MS. SCHRIRO: Yes. That process is already
10 underway.

11 But the last of the staff training issues that
12 we will be giving close review to is in the training that
13 is provided to supervisors, both prepromotional and after
14 they assume their promotional responsibilities, because
15 clearly, the staff in the Department is a team made up of
16 line staff and their supervisors. And our effectiveness
17 is a combination of the efforts of both of those groups.
18 And so if there are areas that require enhancement or
19 improvements, those would be made as well.

20 We've touched previously on classification as an
21 issue that clearly needs to be addressed. It's been a
22 number of years since it has been looked at in a
23 comprehensive manner and validated. And the
24 ramifications of having an accurate classification system
25 are many. It will help us to answer the question, first

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1 of all, whether or not inmates are correctly classified.
2 For example, Inmates Coy and Wassenaar were both
3 classified at this point in time as level 3. And while
4 that is not necessarily on the face atypical in a
5 correctional system for inmates who come in with serious
6 charges but serve a long period of time with a minimum
7 number of major rule violations, there needs to be
8 additional review about the way in which our
9 classification system is first developed and then how
10 it's utilized.

11 Likewise, the classification system is something
12 that we need to draw upon so that when we make
13 assignments to work, that the work assignments are
14 commensurate with the risks that those inmates present to
15 themselves and to others.

16 You will see when you tour the kitchen tonight
17 that there are a number of security precautions that are
18 built into kitchens. Tool control, which is something
19 we've not spoken about thus far but, again, is
20 fundamental in any correctional system, is ever present
21 in a kitchen as well as other parts of the facility.
22 Where knives are used, they are chained to tables.
23 Wherever it's possible to use a slicer, again, fixed to a
24 table in lieu of a knife, slicers are used. And so

25 there's considerable thought given as to making the

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1 kitchen as safe a place as it can be, but for all of
2 that, it's still essential that you have inmates who are
3 suitable for placement at any location to be correctly
4 assigned to that specific work assignment.

5 MR. WOODS: Do you think they were suitable,
6 these two?

7 MS. SCHRIRO: Clearly not.

8 I've touched also on the impact of overcrowding
9 and the contribution that it may have had to this
10 particular set of circumstances, and I'd just like to
11 talk that through for a moment so that I can explain what
12 I mean.

13 It is not uncommon for a correctional system to
14 be overcrowded. That is the ordinary course of affairs
15 around the country. But the Arizona Department is very
16 overcrowded, and the ramifications are several.

17 In a perfect world, in which, of course, we do
18 not live, you would operate at something less than
19 100 percent of your capacity. And the reason for that is
20 that you never have equal numbers of levels 1, 2, 3, 4,
21 and 5. And so you need to have some extra space so that
22 you have the right number of spaces for the custody level
23 that the prisoner is -- to which he is assigned.

24 In our system, not only are we operating at
25 greater than 100 percent capacity, but those beds that in

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1 many systems would be identified as nonrated, that is,
2 available but not included as part of the rated or

3 operational count, are incorporated in our bed count.
4 And so that means, for example, if you're counting your
5 disciplinary beds as rated beds, that means that somebody
6 always has to be bad because there aren't enough beds
7 back in the regular housing units to move an inmate
8 back. That has a direct and negative impact on our
9 ability to respond to and to discipline an inmate when
10 that's necessary, because it means that they sometimes
11 wait to go into a disciplinary bed or are sometimes moved
12 out of a disciplinary bed quicker than was expected. And
13 so overcrowding has a number of ramifications for the
14 day-to-day operation. At this facility, as you will hear
15 in greater detail by the warden, it had some specific
16 impact on overall management at that institution.

17 The other things that affect overcrowding either
18 to the positive or the negative and one of the other
19 areas that I've been charged by the Governor to address
20 in the course of my tenure is the relatively high level
21 of idleness in the Department. When you have a system
22 that is overcrowded and then have a considerable number
23 of inmates in that system that are also idle, the impact
24 of the overcrowding is greater because of the number of
25 hours that the population is piled in on top of one

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1 another.

2 And so the ultimate combination of overcrowding,
3 as we experience today in the Department, coupled with
4 the current levels of idleness, which are in the process
5 of being addressed but won't be remediated immediately,
6 coupled with the relatively low levels of staffing, some
7 of that staffing being somewhat junior in their tenure,

8 speaks to some of the challenges and indeed some of the
9 opportunities that we face at Lewis in particular and to
10 a certain extent at other complexes in the state.

11 The last of the internal opportunities for
12 improvement, and this will be included in our
13 administrative review and so available for your
14 deliberation as well, is that we will critically
15 evaluate, as will you, the effectiveness of our IMS
16 response system. Clearly, it was a system that was
17 designed for incidents in shorter duration than ours. I
18 think we did a good job of modifying that structure to
19 accommodate a critical event that occurred over a 15-day
20 period of time. But it's an important opportunity that
21 not be lost, so that if there are some additional
22 modifications that should be institutionalized, that we
23 would have this opportunity to do that.

24 MR. STICKRATH: Director, is that system based
25 on any particular model, national model or --

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1 MS. SCHRIRO: Yeah, I mean, this is pretty
2 standard stuff, and we'll provide you with the --

3 MR. STICKRATH: I didn't know if you used a
4 particular model or a consultant had come in and worked
5 with you on that or --

6 MS. SCHRIRO: I don't know the actual origin of
7 it, but it's been in place for a number of years and has
8 served us well. And I think the modifications that we
9 made to achieve the consistency that was required over
10 the 15 days served us quite well also.

11 There are also some opportunities for us all to
12 review the interagency response. In this state, I was --

13 I was very impressed when I came and saw the kind of
14 coordination and indeed the collegial relationship that
15 exists amongst all of law enforcement, the kinds of
16 annual meetings that occur, the number of committees,
17 commissions, including POST, that are all approached as
18 an interagency effort, the resources that Mike's
19 commission provides to all of us in the law enforcement
20 and corrections community. So, unlike many other
21 jurisdictions, this state was very well positioned, we
22 knew each other well, not in terms of who our
23 organizations were but who we are as individuals.

24 Where this department -- where this state seems
25 to really excel in also convening its resources for the

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1 purpose of practicing any number of tactical maneuvers,
2 and indeed those go on on an ongoing basis and I think
3 speak to the excellent response that we would have
4 received for any of the tactical maneuvers that we did
5 execute or that we were contemplating that may be
6 executed, that I would -- I would suggest as a
7 preliminary thought on my part that if we could develop a
8 comparable model to practice across agency lines,
9 negotiations, that that would be of benefit to any of our
10 agencies who would be calling on each other's experts,
11 again, particularly for an event as sustained as this one
12 was.

13 And likewise, I think it would be useful for all
14 of us through one or more of our commissions and
15 committees that currently exist, that we look again at
16 the technology that is available to any of us. I thought
17 that I was fairly jaded when I looked at TV shows and

18 watched movies as to what was -- what was feasible and
19 what was make believe, but I discovered quickly that I
20 thought there was a lot more available than in fact there
21 was. And I touched on some of those early on in this
22 conversation. That we constructed a tower that -- for
23 which there appear to be no infrared equipment that could
24 provide us with intelligence was striking. And it is not
25 that we did not reach out to every known resource and

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1 that they did not respond quickly, because we did and
2 they did, but it simply did not provide the information
3 that we so desperately needed.

4 MR. WOODS: There's no reason for that, is
5 there? For example, someone asked about whether the
6 windows were bulletproof, and you said they were. I'm
7 not exactly sure why, but they are. And -- but there's
8 no reason why they -- we made it impenetrable to
9 infrared.

10 MS. SCHRIRO: I can't tell you what the thought
11 was at the time except I would guess in general to make
12 it as durable as could possibly be made.

13 MR. WOODS: That sounds like a mistake.

14 MS. SCHRIRO: Certainly under the circumstances,
15 yes.

16 MR. WOODS: Can that be fixed now?

17 MS. SCHRIRO: Well, in one of two ways. You
18 know, either by, through some marked and rapid
19 advancements in the field of technology or by
20 retrofitting the tower or perhaps both. But I think
21 that's, you know, that's part of the deliberation now
22 that ensues with additional input from other subject

23 matter experts.

24 And then last, but certainly not least, is to
25 all of us to take a hard look with others at the

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1 communication efforts and to ascertain the best ways to
2 effectively communicate both during a critical incident
3 and after a critical incident. And indeed, that's why
4 the co-chairs have also included but not present today an
5 ethicist from the School of Journalism at Columbia
6 University, to help us think through some of those
7 matters as well.

8 We recognize as a department, as a public
9 department, one that is funded by the public to serve
10 public safety, that we need to provide information to our
11 authorizing environment, and are only reluctant to do so
12 within the very narrow parameters that I provided you
13 previously. Whether or not those narrow parameters are
14 narrow enough or ought to be made broader, you know,
15 specific to any circumstances, is something that we would
16 look at and I would hope would come from this group as
17 well.

18 MR. BRANHAM: Mr. Chairman, Director, could I
19 ask a question? In all your years of experience, have
20 you ever seen the kind of press cooperation that was
21 apparently certainly in the beginning hours of this thing
22 but what looks to me like throughout the duration of the
23 thing, as far as their holding back information and so
24 forth, has that been your normal experience?

25 MS. SCHIRRO: The cooperation that we enjoyed

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1 was singular and exceptional. And I expressed
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2 appreciation to the media through the event and at the
3 conclusion. And I appreciate that the best way to
4 communicate our appreciation is to provide them with the
5 information that they're now looking for as quickly as we
6 can, given -- within all the procedures and parameters
7 that I've just provided.

8 MR. BRANHAM: Thank you.

9 MS. SCHRIRO: And I think maybe even, if I might
10 take the liberty, that Chase and Tom have remarked about
11 how splendid the response was and how unusual this level
12 of cooperation was as well.

13 MR. STICKRATH: I think you described it well,
14 and different in many respects than some of my
15 experiences.

16 MR. RIVELAND: I have the same reaction. I had
17 been in a hostage situation a number of years ago in
18 which we almost lost the hostages because of the
19 information that was being put out and received by
20 inmates. As I followed this, it was remarkable, and I
21 commend the media. You may have two live staff today
22 because of that cooperation. It's very possible that
23 that could be true. And it's -- I hope -- and as I saw
24 the discussion in the media with itself, arguing the
25 ethics of journalism, I thought that was an interesting

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1 argument, and I hope it continues, not only here but
2 everywhere else, because it's a very healthy one.

3 MR. BRANHAM: I would agree. I think it is a
4 healthy thing. I think the point that I certainly
5 learned from this is that all the forms of the community
6 can come together in a crisis and solve that crisis and

7 then figure out a better way to maybe report on that
8 afterwards. I think what's happened has been extremely
9 helpful and probably very healthy, and that's probably
10 the right word to use.

11 MS. SCHIRRO: The only thing that I would add to
12 that is the Governor, in one of her early observations at
13 the successful conclusion, had described the situation,
14 for all the reasons that we've discussed this afternoon,
15 the tactical challenges that the tower presented, all of
16 the other contributing factors as we delineated this
17 afternoon and certainly the participation by the press,
18 that this is a case study for years to come, and happily
19 a case study not for just those reasons but because of
20 its exceptional successful outcome, which has been not
21 always the experience that our colleagues have had in
22 other jurisdictions.

23 MR. BURKE: Any other questions for the
24 director?

25 Director, to get back to our process for the

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1 panel as to what happened, why it happened, and how to
2 prevent it, you spent a great deal of time providing sort
3 of the factual scenario. For us to delve down into more
4 particular facts and, therefore, result in additional
5 questions, do you want to go into the process of the
6 administrative review and how we would receive that, or
7 did your folks want to explain --

8 MS. SCHIRRO: If I can, I'll perhaps ask them to
9 bring chairs up to this table, if that's fine.

10 MR. BURKE: That's fine by me.

11 MR. BRANHAM: Can we maybe take a five-minute

12 break?

13 MR. BURKE: We'll take a five-minute break.

14 (A recess ensued.)

15 MS. SCHRIRO: Mr. Co-chairs, I'd like to
16 introduce Mike Smarik, who is division director, and as I
17 described previously, included in his span of control are
18 these two burly guys to his left, who he will introduce.
19 And assisting Mike in his efforts in completing a
20 comprehensive administrative review is John Phelps, who
21 is the deputy director at Homeland Security.

22 MR. SMARIK: Director, thank you.

23 I, like you all, are anxious to get this going
24 and get a report that will identify sort of the who's,
25 what's, when's, and how's so that we can ensure that we

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1 don't have a similar type incident occur again in the
2 Department of Corrections. And we are fortunate to have
3 such an esteemed panel with lots of experience and
4 knowledge that can help us through this process, and we
5 look forward to working with you during the next couple
6 of weeks to accomplish our goal of providing the Governor
7 with some excellent recommendations for improvement in
8 the Department of Corrections.

9 As the director mentioned a little bit ago,
10 there's actually two paths we're going down. One relates
11 to the criminal investigation that needs to be conducted
12 in order to bring charges against the two inmates that
13 committed these crimes, and then the second is the
14 administrative review that needs to be accomplished to,
15 again, identify the who, what, when, and how so that we
16 can develop some recommendations.

17 What I'm going to do is introduce the gentlemen
18 to my left here, and they can explain to you a little bit
19 about what they've done so far and what we plan to do in
20 those two arenas.

21 And I guess I'll start at the far left with Tom
22 McHugh. He's our criminal investigations bureau
23 administrator, and he can talk to you about what's been
24 done so far on the criminal side.

25 MR. MCHUGH: We're responsible for the criminal

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1 investigation from the morning of the 18th through the
2 end of the hostage situation. To date, we've interviewed
3 all of the Morey staff that was working on the morning of
4 the 18th. We've interviewed all the inmate kitchen
5 employees that were working on the 18th. We've
6 interviewed all of the inmates that are housed in the
7 same housing area that Coy and Wassenaar were housed in.

8 We have processed basically three major crime
9 scenes, one that was in the kitchen/dining area, one in
10 the tower, and then one in the yard area. In the
11 processing of these crime scenes, we picked up over 400
12 pieces of items we're evaluating for evidence.

13 During the course of the investigation, we've
14 been working with the County Attorney's Office. The
15 County Attorney has identified a prosecutor in the case.
16 We've been working with her. On Monday, she met with us
17 to go over all the evidence we had to determine what
18 evidence would be submitted early on to DPS lab for
19 evaluation.

20 Today, we had a meeting with Mr. Romley and his
21 staff concerning the investigation. We briefed on the

22 status of the investigation, provided kind of an update
23 on a document we provided to him last Friday that laid
24 out our investigation. At the conclusion of our
25 discussion with Mr. Romley today, we left, and they were

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1 going to have another meeting to determine how legally
2 they were going to proceed on this particular
3 investigation.

4 But we've interviewed currently everyone that
5 was involved in this and going back and doing some
6 reinterviews to clarify some issues. We picked up all
7 the evidence, and we're in the process of getting that
8 processed at the lab.

9 So, in summary, that's what we've accomplished
10 in the criminal area.

11 MR. BURKE: Thank you.

12 MR. WOODS: What crimes might have been
13 committed in the yard?

14 MR. McHUGH: It goes from attempted murder,
15 aggravated assault, to sexual assault to prison
16 contraband to destruction of State property. There's a
17 series of charges that the County Attorney is looking at.

18 MR. BURKE: Could we, since some of the
19 decision-making process is with the County Attorney on
20 that, maybe also set up an opportunity to come back and
21 meet with you and discuss this further after that
22 decision is made and charges? We'll get the process down
23 now from you, and then when those decisions are made, I
24 think we'll also be in a position to come back and
25 revisit a lot of this too.

1 MR. GUENTHER: Can I just ask one question, Tom,
2 and that is, now that you've completed the interviews on
3 the criminal investigation, have you been able to use
4 those interviews to update the timeline?

5 MR. MCHUGH: The timeline that we initially laid
6 out is pretty consistent. There hasn't been that much
7 change to it. We provided a copy of our criminal case to
8 the administrative investigators for their use in
9 conducting the administrative investigation.

10 MR. GUENTHER: Okay. I just noticed that you
11 either got tired in some of these areas of timeline or
12 you didn't have enough information, and I just wondered,
13 I had some questions, but I'll get to those later on.

14 MR. SMARIK: To my immediate left is Greg
15 Lauchner, and he will be the individual in charge of the
16 administrative review, and I'll turn over to Greg and let
17 him give you an idea of how that's going to proceed.

18 MR. LAUCHNER: Good evening.

19 Basically, the two separate prongs of our
20 approach to this is, Mr. McHugh and his staff will work
21 on what the inmates did, the crimes that they committed.
22 My focus with my staff is on what our staff did, both
23 to -- previous to 2:30 in the morning on January 18th,
24 when 17 inmates were released to their kitchen work
25 assignments, any of the predicate factors that led up to

1 that, to include staffing, authorized staffing versus
2 actual staffing, many of the subjects and factors that
3 I'm sure this panel will be interested in, and continuing
4 through our staff action throughout the ordeal, how, from

5 an IMS perspective, that they responded, any potential
6 policy violations or perhaps best security practice
7 violations, different actions that different people took
8 during the course of this.

9 We have opened -- separate to the criminal case,
10 we have opened an administrative investigation that is
11 currently underway, and the primary stages of the
12 administration -- or administrative investigation is
13 collecting the current data on POST orders, policies that
14 should have been adhered to, all of those things.

15 Mr. McHugh, since he was able to meet with the
16 county prosecutor today, we now can begin our interviews
17 of involved staff, inmates that were involved, and start
18 talking about the administrative function, their
19 actions. And our questions will be much different than
20 Tom's questions were. Our questions are why you did what
21 you did and how were you trained and what would you do
22 different now, basically.

23 I have for you, with the director's approval, I
24 have a copy of -- this is not created for this incident.
25 This is basically a checklist of an escape or an

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1 attempted escape that we've used for quite some time in
2 administrative investigations. It covers -- it's a
3 baseline of things that I expect from my investigators
4 and questions that I need answered in order to provide
5 the product that we all would want to see.

6 Now, we won't limit ourselves to these
7 questions, but certainly, these basic questions will be
8 covered, and any direction that the answers to these
9 questions go, my investigators will follow.

10 I would hope, with the guidance of Mr. John
11 Phelps, Chief Villasenor, and Mr. Smarik, who are part of
12 the administrative investigative assessment and guidance
13 team, we should be able to put all of these facts
14 together and many of the questions that you asked of the
15 director today that I'm certain she was unable to provide
16 answers to simply because she doesn't know yet because we
17 don't know yet. And -- but I'm confident that all
18 questions will be answered.

19 MS. MORRISON: Do you have a timeline for your
20 review?

21 MR. LAUCHNER: Well, we have scheduled a meeting
22 for a week from tomorrow that I should have a preliminary
23 report from my investigative staff for review of the
24 administrative review panel, these gentlemen and the
25 chief from Tucson. I'm sure there will be other

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1 directions and other further questions provided by myself
2 and the other assessors. But preliminarily, we will have
3 a product, a beginning product next Thursday, a week from
4 tomorrow.

5 MS. MORRISON: I see a lot of what you're doing
6 enabling the panel to be able to answer a lot of their
7 questions.

8 MR. LAUCHNER: Absolutely.

9 And what I would -- what I would suggest is that
10 we will be compiling that information throughout the next
11 week. We specifically stayed away from conducting
12 administrative investigative interviews with witnesses
13 and victims of the criminal case. And we did so until
14 today, when Mr. McHugh was able to converse with the

15 prosecutors, so now we have a little bit of an open field
16 that we can get out there and start asking the questions
17 that we believe we need to ask.

18 MR. GUENTHER: What do you do when you're not
19 doing this?

20 MR. LAUCHNER: I'm the administrator of special
21 services bureau. I'm responsible for the inspections,
22 internal affairs, which is administrative investigations,
23 gang investigations, special operations unit, central
24 office communications center.

25 MR. BURKE: He's a renaissance man.

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1 MR. GUENTHER: And, Tom, what do you do?

2 MR. MCHUGH: I head the criminal investigation
3 bureau and the polygraph program.

4 MR. LAUCHNER: And anything else Mr. Smarik asks
5 of us.

6 MR. GUENTHER: And is the -- what do you call --
7 what do you call these investigations under normal --

8 MR. MCHUGH: We call ours criminal
9 investigations under normal situations.

10 MR. GUENTHER: Is one called a red book, or is
11 that --

12 MR. LAUCHNER: Our -- our administrative
13 investigation process is called the red book. There are
14 actually a few different colors of books depending on the
15 level requesting the approving authority. This is
16 absolutely a red book investigation. The approving
17 authority is Mr. Smarik.

18 MR. RIVELAND: When you indicated you were going
19 to begin assessing from the 18th on, does that preclude

20 your looking at what had occurred in the housing units or
21 the kitchen prior to the 18th? Let me put that in
22 context. Do we know when the -- when these guys got the
23 shank, when and where?

24 MR. LAUCHNER: That has not yet been determined,
25 but absolutely, that is part of the predicate factors we

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1 will be looking into.

2 MR. RIVELAND: So cell searches or security
3 issues in the housing unit prior to the 18th will be
4 looked at and considered.

5 MR. LAUCHNER: Absolutely.

6 MR. RIVELAND: And the same for the kitchen, in
7 terms of security --

8 MR. LAUCHNER: Yes, sir.

9 We've not identified absolutely the material
10 that those shanks or prison-made weapons were made of.
11 We have our suspicions of where they came from.

12 MR. RIVELAND: But you have them?

13 MR. LAUCHNER: We have the shanks, yes.

14 MR. MCHUGH: We have them in our evidence room.

15 MR. GUENTHER: Are you sure that you have the
16 shanks that were used?

17 MR. MCHUGH: Yes, we do.

18 MR. GUENTHER: And not the -- they couldn't have
19 been fished out of some other evidence --

20 MR. MCHUGH: There is a shank fished out of the
21 evidence box inside the tower. But there were two shanks
22 that we are sure that Coy and Wassenaar used. The
23 problem with witness testimony, the shanks go anywhere
24 from this size to this size depending on who you're

25 talking to.

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1 MR. BRANHAM: Depending on how close you are to
2 the shank.

3 MR. GUENTHER: What about the -- do you know
4 that they had them on their person when they were
5 discharged from the housing facility to go to their jobs?

6 MR. MCHUGH: We're not sure. The procedure is
7 the inmates reporting to kitchen duty have a pat search
8 before they go to the kitchen. We talked to the officer
9 that did the pat search. He did a pat search. How
10 thorough that search was is yet to be determined.

11 MR. GUENTHER: How many people get searched when
12 they -- in the morning, whenever they leave the housing
13 unit? Does everybody get --

14 MR. MCHUGH: The work details do.

15 MR. GUENTHER: All details. But if they're just
16 going for recreation, they're not searched.

17 MR. MCHUGH: I can't answer that question.

18 MR. BURKE: Are there facilities -- maybe Tom or
19 Chase or the director can answer this better. Are there
20 facilities that have magnetometers within the work
21 facilities for these reasons?

22 MR. RIVELAND: Well, there are -- facilities
23 differ both in custody levels and security levels and a
24 whole variety of things. There are facilities, high
25 custody, where inmates are going to work settings that

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1 have a lot of volatile kinds of materials, weapons or
2 knives or whatever, metal, that will use full strip
3 searches on every inmate coming in and out. There are

4 some that will have any variety of electronic devices
5 that can identify metal or other kinds of things,
6 depending on what the materials are. And quite honestly,
7 around the country, there are facilities that do none of
8 the above and do no searching.

9 And searches -- you know, electronics sometimes
10 for many jurisdictions have been found to be sort of
11 misnomers, because they sometimes allow the human factor
12 to decrease. So I think it's not always wise to believe
13 that technology is a solution for all of our things. It
14 can be an assist. But keeping the human factor involved
15 in it and having proper searches and experienced staff --
16 I mean, I really key on the thing that Director Schriro
17 was talking about before. Experienced staff can pick up
18 things frequently just through mood changes, and the
19 difference between an experienced person doing either a
20 cell shakedown or pat search or any other type of search,
21 it can be invaluable to have somebody that knows what
22 they're doing, in contrast to somebody who is -- I was
23 watching in a different system just a couple weeks ago a
24 young correctional officer doing what was called a pat
25 search, and it was a male institution, a young female

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1 officer who was embarrassed to be doing this. And it
2 was -- I could have walked through there with anything
3 hidden and it would not have been found. And I think
4 sometimes that's a little bit what the director was
5 talking about, experience level is a critical factor.

6 MS. SCHRIRO: One of the other things to add to
7 that is, the inmate population has remarkably adapted to
8 whatever technology we introduce. And so, for example,

9 magnetometers, whether they're hand-held or walk-through,
10 pick up metal, and at that point, inmates have looked for
11 pieces of Plexiglas, other things that can't be detected,
12 and fashioned shanks out of them. Plastic can be sharp,
13 sharpened to a considerable extent as well. And so, as
14 Chase said, some combination of direct staff contact
15 augmented with appropriate technology is a good
16 combination.

17 MR. BURKE: Thank you.

18 MR. GUENTHER: And not to get in a rut doing one
19 or the other.

20 I just had one other thing. Thinking about the
21 situation and reading a lot of the information, I think
22 it's very important to try to find out whether or not the
23 inmates brought the shanks out from the cell, from the
24 housing unit, or whether they were stashed somewhere in
25 the yard where they could have accessed them or whether

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1 they were stashed in the kitchen. Do you think you might
2 be able to get an indication of where most likely that
3 might have happened?

4 MR. McHUGH: We've talked to all the inmates,
5 and, of course, they're not telling us. Wassenaar has
6 invoked his rights, and Coy did not want to be
7 interviewed at this time, so we're going to go back to
8 Coy. There are some other avenues we're looking at to
9 try to determine that. We think we know what material
10 was used to make the shanks. We're still pursuing it
11 right now. We just don't have an answer.

12 MR. GUENTHER: Most of the materials like that,
13 to those kind of individuals, probably would be available

14 through their job assignment in the kitchen, would they
15 not?

16 MR. WOODS: Are Coy and Wassenaar the only two
17 people under criminal investigation?

18 MR. MCHUGH: They are at this time.

19 MR. GUENTHER: Is there -- when do these reports
20 become public? For instance, the criminal
21 investigation. When is that -- or the criminal
22 investigation, when does it become public? After they're
23 indicted or --

24 MR. MCHUGH: I think it's after the criminal
25 charges are referred and then the County Attorney has

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1 something like ten days after they receive our final
2 report before it has to be released.

3 MR. GUENTHER: And the administrative report?

4 MR. LAUCHNER: The administrative report is
5 effectively a product of the director's office. It is
6 available to her. Absent any influence on the criminal
7 report, it is -- I think it is up to her to release at
8 her discretion.

9 MR. GUENTHER: So probably basically both
10 reports would be available sometime in the time frame of
11 ten days after the final report is filed with the
12 prosecuting attorney, in this case, the County Attorney.

13 MS. SCHIRRO: Yeah, each apart for different
14 reasons. It looks, based on the schedule you have, by
15 next Friday, we'll have a preliminary product on the
16 administrative review, and it looks like your criminal
17 investigation will be concluded well before then.

18 MR. MCHUGH: The problem with the criminal

19 investigative report, there's an awful lot of
20 documentation that we have that's not in the report yet.
21 400 pieces of evidence that we have to address in a
22 report. There's documentation supplementals on the
23 actual crime scene processing of these various
24 activities. We have documentation on the interviews, but
25 there's a lot more that needs to go in these reports

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1 before they're completed.

2 MR. BRANHAM: But theoretically, you could be
3 asked for it further as well by the County Attorney's
4 Office before they charge.

5 MR. GUENTHER: I just think that to some degree
6 a lot of your information is going to play a key role in
7 what we would recommend at some point in time. It's
8 going to be a piece of the puzzle which would remain
9 outstanding until we can discuss that.

10 MR. BURKE: I agree.

11 Any other questions for this panel?

12 John Phelps, do you have any other thoughts
13 on --

14 MR. GUENTHER: I've got a question, John.
15 Weren't you just on the phone?

16 MR. BURKE: No. That's John Cohen.

17 MR. GUENTHER: I'm sorry. I'm getting confused
18 here.

19 MR. PHELPS: I welcome this opportunity as
20 well. I'm the new kid on the block. I've been here in
21 the Governor's office for all of about two months. So I
22 think part of the, maybe the value that I can bring to
23 this is a fresh set of eyes and a perspective that's not

24 necessarily influenced by the way things have been done
25 and the institutions as they stand now.

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1 So -- my background is military. I just retired
2 from the Army after about a 24-year career, a combination
3 of intelligence operations and legal positions that I've
4 held. And I know Dennis knew that I had most recently,
5 just before leaving the Army, worked on the Army
6 investigation into the Jessica Lynch incident, the ambush
7 that killed Lori Piestewa and 19 other soldiers, and that
8 was a very high visibility, very intense investigation,
9 and so I hope that some of the lessons I learned through
10 that process might be applied to this investigation as
11 well and maybe enhance the product. But I welcome the
12 opportunity.

13 MR. BURKE: Great. Thank you, John.

14 Any other questions from this panel about the
15 process?

16 Thank you, gentlemen.

17 MS. MORRISON: Can I just get a point of
18 clarification?

19 MR. BURKE: Yes.

20 MS. MORRISON: Is the criminal report to be
21 submitted next Friday, a week from Friday? I'm looking
22 for a certain date.

23 MR. MCHUGH: When we talked to the County --
24 last Friday, we provided documentation to the County
25 Attorney. We talked to the County Attorney today about,

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1 if they had any additional things they wanted us to do

2 i nvesti gati vewi se. I thi nk they probabl y have enough
3 i nformati on now to make a determi nati on on how they want
4 to proceed legall y. And that's the meeti ng they had
5 after we left. So i f they're planni ng to go prel i mi nary
6 heari ng, grand j ury, or whatever, I don' t know the answer
7 to that questi on.

8 MS. MORRI SON: So we don' t know a date when we
9 can possibl y have the report, because --

10 MR. MCHUGH: Not at thi s ti me.

11 MS. MORRI SON: Thanks.

12 MR. BURKE: Process. There i s, Di rector, I
13 bel i eve, now a tour of the faci l i ty --

14 MS. SCHRI RO: That' s correct.

15 MR. BURKE: -- for the panel i sts.

16 MS. SCHRI RO: That' s correct. We have vehi cl es
17 avai l abl e, so we can provi de you wi th the transportati on
18 to the faci l i ty.

19 MR. BURKE: Then tomorow i s a meeti ng wi th the
20 opportuni ty for empl oyees at the Lewi s faci l i ty to meet
21 wi th the panel i sts.

22 MS. SCHRI RO: It' s bei ng conducted at the Lewi s
23 faci l i ty for empl oyees of Lewi s but al so other ADC
24 empl oyees who ei ther work i n the area or live i n the
25 area. We' ve pi cked four l ocati ons that wi ll mi ni mi ze the

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1 amount of travel that staff wi ll have to do. So there
2 may be staff there from other faci l i ti es as well .

3 MR. BURKE: We have another one on Fri day i n
4 Tucson.

5 MS. SCHRI RO: Yes.

6 MR. BURKE: We currentl y have schedul ed for --

7 the next actual deliberative session for the panel is
8 Monday, March 1st, and Tuesday, March 2nd, and after
9 today's presentation, I'd like to ask the panelists if
10 they want to set up sometime between now and then
11 actually to once again meet as a body or conference call
12 to discuss developments or follow-up. I open that up to
13 the body.

14 MR. WOODS: Are those all day? 1 and 2? Are we
15 contemplating all day?

16 MR. BURKE: I believe they start at 11:00 and
17 end at 5:00 -- I'm sorry, Grant. I understand your
18 question now.

19 MR. WOODS: March 1st and 2nd.

20 MR. BURKE: I don't think we've determined that
21 at this point. It was going to be somewhat determined by
22 today.

23 MR. WOODS: It seems to me if we planned on
24 doing it for at least most of the day those two days,
25 that would be sufficient.

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1 MR. BURKE: Mike, you agree?

2 MR. BRANHAM: I do.

3 MR. GUENTHER: Maybe we could touch base on a
4 conference call after the first two sessions that we have
5 in the field, because obviously, we'll be getting you
6 transcripts for whoever is not at these hearings so that
7 you'll have an opportunity to review those transcripts,
8 and maybe if there's something we should do differently,
9 we could make that adjustment after the first --

10 MR. WOODS: Can I also ask the -- I understand
11 the security considerations that were articulated as far

12 as these field visits, but if there are transcripts that
13 are going to be prepared, then is there any reason why
14 those can't be released to the public, those
15 transcripts?

16 MR. BURKE: Not at all. The transcripts will be
17 public records and will be released. It's a matter of
18 just -- security issues are a matter of access, not the
19 actual dialogue that occurs. Director, correct me if --

20 MS. SCHRIRO: Absent some specific conversation
21 about a security detail that's not public knowledge, and
22 in that instance, that statement or term would be
23 redacted, but we wouldn't preclude release of the
24 document.

25 MR. RIVELAND: I had a question regarding two

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1 entities in terms of their access, and one, I'm terribly
2 sensitive to, and that's the two officers involved.
3 Would they have the opportunity, if they wish, either to
4 appear or to provide written material to this group, if
5 they wished?

6 MS. SCHRIRO: I don't see any reason why not.

7 MR. RIVELAND: And the other group, as I
8 followed this in the press, that I was kind of interested
9 to see that your bargaining unit representatives were
10 very positive throughout the whole thing.

11 MS. SCHRIRO: Yes.

12 MR. RIVELAND: Which is not always the case, I
13 might add. Sometimes that becomes the forum for
14 everything that's wrong in the world. And it was
15 enlightening to see that. If there's some way that they
16 can be connected to this group, I think that's healthy,

17 and they obviously have statements in some fashion.

18 MS. SCHRIRO: I would welcome their
19 participation and encourage you to look for ways to
20 incorporate them, because they have considerable insight
21 and provide, I think, very useful information.

22 MR. GUENTHER: And I think, Chase, in addition
23 to that, I think we need to give the public an
24 opportunity to comment on the process and/or the results
25 of the process before we come to any final conclusions.

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1 MR. BRANHAM: I would agree with that.

2 MR. BURKE: I would assume that it would be
3 preferable to conduct that before deliberative sessions
4 on Monday, March 1st, and Tuesday, March 2nd.

5 MR. GUENTHER: Either before or on.

6 MR. WOODS: We could do it the morning of
7 March 1st.

8 MR. BURKE: Options are morning of March 1st or
9 Friday, February 27th.

10 Without deciding that right now, I would throw
11 those options out.

12 MR. GUENTHER: We don't all have to be present,
13 but I think that we need to get it on the record.

14 MR. BURKE: Then I would recommend, Senator, on
15 your -- based on your recommendation, that after the
16 meeting with employees at the Lewis facility on Thursday,
17 February 12th, and Friday, February 13th, in Tucson, the
18 following week, we try to arrange some kind of conference
19 call for the panelists who did attend and provide some
20 feedback for the panelists who did not.

21 (Discussion off the record between Mr. Burke and

22 the court reporter.)

23 MR. BURKE: I think regardless of having the
24 transcript, I think it would be helpful to schedule --

25 MR. WOODS: Could we do it on Tuesday? Monday

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1 is a holiday.

2 MR. BURKE: Tuesday, February 14th? I mean
3 17th.

4 We'll try to arrange that. That will allow some
5 further opportunities to discuss the matter and to get
6 some feedback on those staff visits.

7 Any other thoughts on process and scheduling?

8 MR. RIVELAND: I know, Mr. Chair, that I have to
9 be in a trial in Honolulu on the two dates that are
10 scheduled later in March, unfortunately in Honolulu.

11 MS. MORRISON: Do you need help?

12 MR. BURKE: We can hold our meetings there.

13 MR. RIVELAND: The 25th and 26th.

14 MR. BURKE: Any other issues I didn't address
15 before?

16 MR. STICKRATH: Documents that we may want to
17 review, materials like classification instruments or
18 documents, training curricula, staffing analysis or POST
19 analysis, shift rosters, are those things that we should
20 work directly with your office on --

21 MS. SCHRIRO: That would be great. Sure.

22 MR. STICKRATH: Possibly review some of that
23 after this first series of meetings.

24 MR. BURKE: For those who are less versed in
25 what those documents would be, would you all want to take

1 a crack at putting a list together of what documents you
2 think the rest of the panel should review?

3 Could Tom and Chase do that?

4 MR. RIVELAND: We can.

5 MR. BURKE: That would be very helpful.

6 Any other comments from the co-chairs?

7 MR. WOODS: No, sir.

8 MR. BURKE: Anyone else?

9 We'll convene. Thank you.

10 (The proceedings were concluded at 6:37 p.m.)

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1 C E R T I F I C A T E

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3 I, Pamela J. Mayer, hereby certify that the
4 foregoing pages, numbered 1 through 127, constitute a
5 full, true, and accurate transcript of all proceedings

6 had in the above matter, all done to the best of my skill
7 and ability.

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Pamela J. Mayer, RMR-CRR
Certified Court Reporter
Certificate No. 50207

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