

1 tell the upper-end of the Department what is going
2 on.

3 Thank you.

4 MR. MCFARLAND: What do you, and this is
5 addressed to either. What do you recommend as a
6 best practice for COs to prevent prisoner sexual
7 assault?

8 MR. YORK: I believe education is number
9 one, prior to, before the person comes into the
10 prison. For the workforce on the street or
11 workforce in the institution, education is number
12 one.

13 So the education process that we implemented
14 recently on the rape prevention is going to take
15 effect in the future. It was just implemented and
16 it is a good implementation. I am all for that.
17 Awareness, professionalism, that's all accountable
18 to. And I work at CSP-SAC, and I can only speak for
19 CSP-SAC. We have a unique situation over there. We

20 do have a lot of programs. We do have quite a bit
21 of staff. We are still understaffed and
22 overcrowded, but we have the CS units. We have the
23 EOP units. We have sensitive yards.

24 MR. MCFARLAND: What kind of units?

25 MR. YORK: Sensitive needs. PCs.

1 MR. MCFARLAND: S&Ys.

2 MR. YORK: S&Ys. We offer programs, and
3 it seems that the programs are effective. And by
4 offering programs as such and education, then the
5 officers also get involved in that program.

6 Classification. Unfortunately I am a
7 counselor, so I am involved in the classification
8 system. The problem there is caseload sometimes
9 gets overbearing. When a caseload gets overbearing,
10 then the effectiveness of the study of someone's
11 case is rushed, and hopefully that doesn't occur,
12 but it is. And effective counseling is important
13 for housing a person correctly. And I feel that we
14 do that over there different than other institutions
15 because we have counselors for you. We have
16 counselors for PSU. They are specialized. And so
17 the need is met more at CSP-SAC. But even then the
18 overcrowding and the ability to do our job because
19 we need more staff if we are going to achieve

20 programs is an answer to part of the problem.

21 MR. MCFARLAND: Why is it so difficult,

22 because COs get paid time and a half for overtime?

23 MR. YORK: Yes, sir.

24 MR. MCFARLAND: Wouldn't it be cheaper to

25 hire new people?

1 MR. BAUMANN: Yes, sir.

2 MR. YORK: Yes, sir.

3 MR. MCFARLAND: Aren't more folks looking
4 to apply? It seems like it would be a win-win
5 situation.

6 MR. BAUMANN: Well, whenever we came into
7 the current contract back in 2001 there were
8 approximately 1,800 vacancies, open positions
9 statewide. There was a political decision back in,
10 I believe it was, 2003 and 2004, to close our
11 correctional officer academy, based on some
12 population projections that showed a decline of
13 15,000 inmates over two budget cycles.

14 MR. MCFARLAND: That didn't decline, did
15 it?

16 MR. BAUMANN: No. In fact, it kept
17 increasing. We had a substantial number of people
18 who ended up retiring. Thankfully, not as many as
19 everybody had projected. People at headquarters

20 projected that we wouldn't have a fast exodus to
21 retire. They decided to close it down for 13
22 months.

23 Then the problem is the location of the
24 institutions versus the workforce available in the
25 area. It doesn't pay nearly as much as people would

1 like to believe. When you are trying to buy a two
2 bedroom \$600,000 house in Salinas or you are forced
3 to commute four hours a day to get to work. And
4 even when you start talking about a top step CO; I
5 didn't work any overtime last year. I made \$66,000;
6 \$66,000 in California isn't a whole lot of money.
7 You have people trying to compare a top step CO to a
8 first year academic at some junior college or
9 wherever, and it is apples and oranges.

10 The other thing I think is our entry
11 requirements. We run a 16-week academy. We run a
12 background preemployment psycho eval, all the
13 minimum requirements that you would have to pass to
14 get on any of the major agencies that are law
15 enforcement agencies in California. We don't pay a
16 competitive wage. We tried to, but it just hasn't
17 worked out because of the administration.

18 MR. MCFARLAND: Would you agree that your
19 members would be safer not having to escort sexual

20 assault victims to outside facilities, to U.C. Davis
21 Medical Center, better to, A, either to emphasize
22 prevention or, B, have the wherewithal in the
23 facility to?

24 MR. BAUMANN: Agree. Anybody who says
25 prevention isn't the cheapest and easiest and less

1 heart wrenching route is an absolute idiot. Anytime
2 you have to take an inmate out of the institution,
3 you put yourself, the inmate and general public at
4 risk.

5 MR. MCFARLAND: So would the union be
6 supportive in that vein of greater use of cameras
7 rather than hiring?

8 MR. BAUMANN: Well, cameras are only as
9 good as -- we have had cameras at other institutions
10 that have a 12-hour loop. In fact, there was an
11 incident you guys brought up earlier where someone
12 had reported a sexual assault six weeks earlier.
13 There is so many blind spots. Are you going to have
14 a camera in every restroom, in every shower? Camera
15 in every cell? I mean --

16 MR. MCFARLAND: I am not sure I
17 understand what your answer is. You do or don't
18 support greater use of camera technology?

19 MR. BAUMANN: I don't. Personally I don't

20 because I think the cameras are just a Band-Aid. We
21 just went through a whole episode of management
22 mandating cameras for suicide prevention and the
23 federal court stepping in saying that is the worst
24 thing you can do is not have a man on the ground and
25 face-to-face contact, to have a camera giving people

1 a false sense of security. I don't know if a camera
2 is what -- would act as deterrent, particularly a
3 camera like this over in the corner. A camera fixed
4 in one location is easy to work around. The camera
5 is just a Band-Aid. I honestly don't know.

6 MR. YORK: I believe a camera is only as
7 good as the person watching the TV that monitors the
8 camera. If you are going to have a camera somewhere
9 and there is no available body to monitor that
10 camera and get response there immediately, what good
11 is the camera?

12 MR. MCFARLAND: That makes sense.

13 MR. SEXTON: Follow-up on your question.
14 If the State of California were to take a economical
15 efficient digital camera system that has a year
16 capacity on them, would you support that?

17 MR. BAUMANN: I don't know. I watch the
18 federal government down at Lompoc. I am just saying
19 well --

20 MR. SEXTON: Would you support it in

21 California?

22 MR. BAUMANN: The problem I have with that

23 is whatever it comes to putting in a camera, just

24 like when we got batons. It was another reason to

25 cut staff.

1 MR. SEXTON: Are you concerned about the
2 impropriety of a correctional officer?

3 MR. BAUMANN: Not at all. Do you know
4 that is one issue I didn't hear anybody expand upon.
5 One of the worst things you want is a partner, and I
6 have had that, who's having a sexual relationship
7 with an inmate. And anyone who compromises
8 themselves to that level would compromise you in the
9 drop of a hat.

10 MR. SEXTON: Thank you.

11 Mr. York, there are countless systems that are
12 available. Even in my state of Alabama, as I
13 mentioned this morning, the bottom of everything, we
14 even have cameras, and we have cameras in my
15 facility. Would that be something that -- it would
16 seem to me -- this was the one thing we have found
17 that our cameras, they protected the officer when an
18 allegation was made.

19 How do you feel about cameras in the facility?

20 MR. YORK: Mr. Sexton, I am from Indiana

21 and we have --

22 MR. SEXTON: I went to high school there,

23 Culver.

24 MR. YORK: Culver, I know it well.

25 The cameras to me would serve both sides. It

1 would protect us from being accused of something
2 wrong. It would protect the inmates because we
3 could react to a situation that maybe we couldn't
4 see prior.

5 I have no fear of anything because I know that
6 I do my job correctly, professionally. Therefore, a
7 camera does not scare me at all being in front of
8 24/7, and it shouldn't anybody else because the
9 professionalism we are to do, protect.

10 There is no criminality. I just want to be
11 sure that you know that. There are bad correctional
12 officers just as there is any other law enforcement.

13 I do not advocate bad; I advocate good. And
14 as a union rep, when I give my speech to the new
15 cadets coming in, I let them know that I am not to
16 be used as their excuse to get off of something. I
17 only protect them if a violation of their rights
18 have been made. If they do something wrong, they
19 are going to get punished.

20 MR. SEXTON: Thank you.

21 MR. MCFARLAND: Between the two of you,
22 you have over 40 years of experience as correctional
23 officers. Would you agree that a camera, whether it
24 rotates or is fixed, whether it can spot every blind
25 spot or not, has a preventative effect on sexual

1 assaults and misconduct?

2 MR. BAUMANN: Agreed, yes.

3 MR. YORK: Yes.

4 MR. MCFARLAND: It may not be a cure-all,
5 but it is better than nothing?

6 MR. BAUMANN: Agreed. It could certainly
7 have a gain. I want to reiterate. I've watched
8 alarms go in and not being an excuse to cut
9 staffing. I have watched batons issued and that
10 being an excuse to reduce staffing. Pepper spray as
11 an excuse to reduce staffing. Stab resistance vests
12 as an excuse to cut staffing. I have got 240
13 percent capacity with 100 percent of my staff.

14 MR. MCFARLAND: Given that problem, I can
15 understand your concern about cutting staff. What
16 about redeploying staff?

17 MR. BAUMANN: Redeploying staff means the
18 warden gets two extra secretaries and the captain
19 gets an extra clerk. Redeploying staff means

20 cutting positions and shifting them up to CDC

21 headquarters.

22 MR. YORK: Cameras as an additive to what

23 we have makes it available to me being understaffed

24 to do my job plus see something that I can't see by

25 myself.

1 MR. MCFARLAND: I am just thinking of what
2 we saw in the gymnasium here at CPS-SAC.

3 MR. SEXTON: I would think that cameras
4 would also be an additive safety effect for your
5 officers. If something happens, you have a document
6 for a criminal charge.

7 MR. YORK: For court cases.

8 MR. MCFARLAND: Mr. York said it, it would
9 protect both parties. I am just thinking about that
10 setting, 135 men triple bunked in that gymnasium.
11 Right now those three officers, only three officers,
12 are standing at one end of the office, the showers
13 to the left, which is a good line sight, but they
14 haven't a clue what is going on in the rest of the
15 gymnasium unless they happened to make something out
16 from 75 yards away in those concave mirrors.

17 MR. YORK: I would like to address that.
18 At one time we had the gym fully staffed. In the
19 back of the gym there is, like, a sally port where

20 an officer sit and viewed the overall picture, and
21 he was armed with a gun, given this is Level 1 and
22 Level 2. When you are outnumbered by 200 to 3-, 250
23 to 3-, a camera would not do you any good. It would
24 pick up maybe something that you can't see. But
25 when it comes to danger, a camera doesn't protect

1 you in that manner. So, therefore, that is why I
2 say understaffing is a problem.

3 MR. MCFARLAND: I think you both indicated
4 that it does have a prophylactic effect.

5 MR. BAUMANN: Background, your earlier
6 question concerning redeployment of staff. If it
7 means -- my facility, the facility holds 1,480
8 inmates, and that is 14, 15 officers, tops. When
9 you start talking about pulling one of those
10 officers to park his butt to watch a camera all day
11 versus going out there and doing clothed body
12 searches, doing searches around institutions,
13 observing inmates.

14 MR. SEXTON: According to the union, what
15 are the average staffing to inmate ratio?

16 MR. BAUMANN: Well, on paper, budgetarily
17 it is 8.39 to 1, the last I saw, but that doesn't
18 take into account shifts. It doesn't take into
19 account vacation and sick time.

20 MR. SEXTON: I am assuming you have that

21 data. What is the reality?

22 MR. BAUMANN: It varies from institution

23 to institution and shift to shift and day of the

24 week to day of the week.

25 MR. MCFARLAND: Do they include

1 noncustodial staff?

2 MR. BAUMANN: Just custodial staff.

3 MR. SEXTON: Is it close to the eight to
4 one?

5 MR. BAUMANN: God, no. When you start
6 breaking it down in a place like CSP-SAC, you're
7 probably running 40 to 1 on the floor.

8 MR. YORK: Yes.

9 MR. BAUMANN: Somewhere in there. Others
10 are running 200 to 1 on the floor. Whenever you go
11 to a gymnasium, they are running 120 in the gym with
12 one officer on the floor. And now they're adding a
13 camera. There is no place to pull anybody there to
14 sit down and watch them all day.

15 MR. MCFARLAND: Does the union provide a
16 representative for an officer who is accused of
17 sexual assault?

18 MR. BAUMANN: Yes, we do.

19 MR. MCFARLAND: Does the union provide

20 that representative for an officer who has witnessed
21 or allegedly witnessed or is a person of interest in
22 a sexual assault?

23 MR. BAUMANN: If needed, yes.

24 MR. MCFARLAND: Are those the same
25 representatives or separate?

1 MR. BAUMANN: Separate.

2 MR. MCFARLAND: Do each of those union
3 representatives share with the accused correctional
4 officer, the alleged aggressor in the case of a
5 sexual assault, the statements of the witnesses?

6 MR. BAUMANN: My understanding is no
7 because that is attorney-client privilege and
8 generally the shop steward wouldn't handle that type
9 of representation.

10 MR. MCFARLAND: The union representatives
11 are attorneys?

12 MR. BAUMANN: No, no, no. We have two
13 levels. We have attorneys and shop stewards. A
14 shop steward, because they are a peace officer,
15 cannot be involved in any sort of a legal proceeding
16 or legal criminal investigation. So the minute they
17 start criminal investigations, we excuse ourselves
18 out of it and call the office to get an attorney.

19 MR. SEXTON: If it is an Internal Affairs

20 complaint, you receive copies of the allegations,

21 don't you?

22 MR. BAUMANN: I do not.

23 MR. SEXTON: I'm sorry, let's back up. If

24 it is internal, I think citizens complaint.

25 MR. BAUMANN: Administrative.

1 MR. SEXTON: If it is administrative
2 level, the officer and his lawyer receive any copies
3 of the report that are generated or statements made
4 by the inmate; is that correct?

5 MR. BAUMANN: Depending on the point in
6 time. If it is proceeding through the formal legal
7 process, yes. If it is proceeding to the
8 disciplinary process, yes. During the fact
9 gathering portion of the investigation, not
10 necessarily.

11 MR. SEXTON: That is if it is going to
12 become a criminal investigation?

13 MR. BAUMANN: At the point in time it --

14 MR. SEXTON: As long as it stays
15 administrative, they get it.

16 MR. BAUMANN: No, no, no. If it is an
17 administrative inquiry, an Internal
18 Affairs-administrative inquiry, they are not
19 obligated to surrender the documents until the time

20 it becomes a formal discipline.

21 MR. SEXTON: If they are going to have it,
22 the officer will receive some form of hearing --

23 MR. BAUMANN: Correct.

24 MR. ELLIS: -- they will receive any and
25 all documentation that is to be used in that

1 hearing?

2 MR. BAUMANN: To substantiate the
3 allegation. And oftentimes investigators' notes are
4 not included. Things that are not used in the
5 actual discipline itself are not provided.

6 MR. SEXTON: That is per Police Officers
7 Bill of Rights?

8 MR. BAUMANN: Correct.

9 MR. MCFARLAND: Gentlemen, is there a code
10 of silence among correctional officers when it comes
11 to sexual assault or sexual misconduct by an
12 officer?

13 MR. YORK: Absolutely not.

14 MR. BAUMANN: Not that I have ever seen.
15 Like I say, anyone that compromises themselves, at
16 that level could compromise me or anybody else that
17 works at the institution.

18 MR. MCFARLAND: Wouldn't an officer be at
19 risk of being known as disloyal or snitch if he

20 turned in his buddy?

21 MR. BAUMANN: I had a case where a
22 supervisor sexually assaulted a female employee on
23 graveyard in uniform under color of authority. I
24 couldn't get the investigators to pick it up, to do
25 anything with it. Just sent the female employee to

1 the Highway Patrol to get them to take the report
2 and push the issue. I got death threats out of it.
3 They finally, whenever the Highway watch commander
4 called, the investigator had threatened the
5 investigator for obstruction of justice. They went
6 ahead and arrested the supervisor. He was
7 subsequently prosecuted and convicted of the case,
8 now.

9 MR. MCFARLAND: Who were the death threats
10 from?

11 MR. BAUMANN: From friends of the
12 supervisors.

13 MR. MCFARLAND: What about the culture at
14 CSP-SAC, we have heard folks talk about the damaging
15 effect of a sexualized culture. How would you
16 describe the attitude of your average CO at
17 Sacramento about sexual jokes, epithets, references?

18 MR. YORK: I think CSP-SAC is unique. I
19 don't know why. I think it is because we have so

20 many programs that are demanding on us, that we get
21 educated in all fields over there. Our
22 professionalism at CSP-SAC is extremely high.

23 The joking, we take a lot of sexual harassment
24 classes. We know it is a serious thing. I have
25 worked on the floor, down in the trenches for almost

1 20 years. Are there some jokes? Sure, there is
2 some jokes. There is jokes in every aspect of life.
3 But do we take our job seriously? Yes. Do we want
4 to keep our paycheck? Yes. To keep our paycheck do
5 we continue these actions? No. And that's -- they
6 know that. They know that we are serious about
7 this. If we were to see a rape, we turn it in. We
8 would react to a situation. That's how we are
9 programmed at SAC. I'm very proud of SAC. I can't
10 speak highly enough of CSP-SAC.

11 MR. MCFARLAND: Is Sacramento exceptional,
12 in your experience?

13 MR. YORK: I think that professionalism is
14 exceptional, and I worked Vacaville before. That
15 was back almost 18 years ago, and at that time we
16 didn't know about the mental illness. We were just
17 treating everybody as a warehoused person. And from
18 my time when I came into the Department compared to
19 the time now, it is so highly -- I put people

20 extremely high on the educational list,
21 professionalism list compared to when I came in. We
22 have evolved into a good program, and it is going to
23 get better.

24 MR. MCFARLAND: Sheriff.

25 MR. SEXTON: No, sir.

1 MR. MCFARLAND: Gentlemen, any final
2 comments on your part?

3 MR. BAUMANN: I have one real quick. Just
4 remember culture. It starts from the top. We have
5 case after case with female employees having to file
6 litigation against the Department to refer inmates
7 assaulting female staff to the District Attorney for
8 prosecution. We had a case recently in Pelican Bay
9 where the female employees had to file suit to get
10 an inmate disciplined for masturbating at them.

11 Culture starts at the top, not at the bottom.

12 Thank you.

13 MR. SEXTON: Let me ask you a question.
14 Pelican Bay has mainly lifers?

15 MR. BAUMANN: Yes, sir.

16 MR. SEXTON: And the masturbation charged
17 sexual impropriety. That could be misdemeanor?

18 MR. BAUMANN: Yes, sir.

19 MR. SEXTON: How will that affect a lifer?

20 MR. BAUMANN: Absolutely nothing. But you
21 still have tons of administrator remedies from
22 taking someone's commissary canteen, restricting
23 their phone access. So on and so forth. There is
24 more than one way to skin a cat.

25 MR. SEXTON: That can be done through

1 administrative charges. When you say filing
2 charges, I'm assuming that is criminal.

3 MR. BAUMANN: Two issues. One issue is
4 the female staff, youth authority, being groped by
5 wards who are not doing life. Many who are over 18
6 and not being referred to the District Attorneys.
7 The inmates at Pelican Bay masturbating at the
8 female employees not being disciplined in any way
9 whatsoever. No administrative discipline against
10 the inmates at Pelican Bay.

11 MR. SEXTON: Maybe I don't understand what
12 you're saying in regard to the lawsuit. There
13 wouldn't be a criminal action, normally
14 administrative action.

15 MR. BAUMANN: Exactly.

16 MR. SEXTON: I am with you now. I
17 misunderstood.

18 MR. MCFARLAND: One other question. Would
19 you object to having an outside rape counselor

20 coming into prisons?

21 MR. BAUMANN: Personally, I prefer it.

22 MR. MCFARLAND: If it replaced union

23 members on staff?

24 MR. BAUMANN: I doubt that you would have

25 enough work at most of the institutions for a

1 full-time employee, anyway. So you probably have to
2 do it on a contract basis. So it is not going to
3 displace any of my people.

4 MR. MCFARLAND: I am saying what if on a
5 voluntary basis the local rape crisis centers were
6 allowed to send in counselors rather than -- that
7 replaced some of your staff, your paid staff, who
8 are presently your mental health counselors, would
9 that be a problem for you?

10 MR. YORK: The only thing that I would
11 --anytime you get outside people that have not
12 worked in the system, it is a unique environment.
13 They --

14 MR. MCFARLAND: There would be a ramp-up
15 period.

16 MR. YORK: It would take a long ramp-up
17 period. The cases that we do have that I have seen
18 sexual misconduct and stuff, it is because outside
19 people come in and do not realize where they are at.

20 When they come into our institutions and imagine
21 there is a man in a cell, he's done wrong. We are
22 not punishing him. We protect both staff and him,
23 and we have seen people fall in love. They forget
24 where they are at.

25 So the only concern I would have on outside

1 people is the preparedness. I have no question they
2 are capable of being counselors, just the capability
3 of handling the situation, where it's at.

4 MR. MCFARLAND: The idea of their being
5 some union member, mental health counselor on staff
6 losing their job in favor of these outsiders doesn't
7 bother you?

8 MR. BAUMANN: We don't represent them
9 anyway as it is right now. I'm straight with my
10 garbage, who we are representing, to begin with, and
11 they are. Right now we have such a shortage of any
12 kind of mental health staff as a department. We
13 have a beautiful 1,500 bed mental health facility in
14 Coalinga that is sitting there with 200 inmates that
15 the Department can't hire enough people. The State
16 cannot hire enough mental health providers.

17 MR. MCFARLAND: Thank you, gentlemen,
18 again for your time.

19 MR. BAUMANN: Thank you.

20 MR. MCFARLAND: We will just have some
21 closing remarks from the panel, and then conclude.

22 Mr. Sexton.

23 MR. SEXTON: I will forego my comment.

24 MR. MCFARLAND: Carroll, Ms. Ellis.

25 MR. ELLIS: I think my comments certainly

1 center around sincere appreciation for your
2 cooperation, your patience, your willingness to come
3 forward and to share information, certainly to those
4 people who testified. We have gleaned from you a
5 great wealth of knowledge to take back to help us in
6 this amazing job that we have.

7 I have heard a lot of terms. I have heard
8 continuity that I like to hear. And from that I
9 have determined one of your terms nonmalfeasance.
10 First, do no harm. I have heard a lot about
11 communication, a great deal about respect and the
12 importance of respect and what it means. Respect
13 means curiosity. Respect means wanting to know,
14 being curious about someone. Is an indication of
15 respect for someone.

16 Caring witness. I have heard a lot about
17 caring witness, actually listening, taking the time
18 to listen, to understand what people are saying. I
19 have heard a lot about empowerment as it relates to

20 inmates, which translates, for me, to human dignity,

21 restoring human dignity. This it is important.

22 I have heard a lot about professionalism, and

23 I certainly have seen that in my stay here with the

24 staff who's been so gracious and so open in shedding

25 light on corrections. Certainly for me, someone

1 that comes as a stranger to a strange land. I can
2 say also that respect also has to do with being in
3 the moment, with being completely committed and
4 devoted to the issue. And I certainly have seen a
5 great deal of that.

6 I recognize that there is overcrowdedness;
7 there are physical aspects. There are issues that
8 are causing the problem that we are trying to look
9 at. There is always hope, and there is also the
10 power of relationships which I think is so very
11 important, and for that I scribbled down -- if I can
12 find it -- one of my favorite quotes that I would
13 like to share with you in closing.

14 We cannot live only for or by
15 ourselves. A thousand fibers connect
16 us with each other, and along these
17 fibers as sympathetic threads our
18 actions run as causes and they come
19 back to us as events. (Reading)

20 So I will say to you that it is my pleasure to
21 learn from you. Thank you very much.

22 MR. MCFARLAND: I want to join the other
23 panel members in thanking each of the witnesses. I
24 think we made a good choice of coming to CDCR,
25 California, with its 2005 state PREA law, with its

1 commitment to the training, four-hour training that
2 we heard about. In contrast to what we see in the
3 NIC study released last year that says little or no
4 training in sexual assault in most prison systems.

5 This tells me that CDCR is definitely on the
6 right track. The implementation manual that Ms.
7 Hardy is just finalizing and about to distribute.
8 We are anxious to see that in our hands. They're
9 ahead of the country in that regard. Contracting
10 with people like Prof. Owen to examine sexual
11 violence in women's facilities. Working with the
12 Moss Group and others. And also I was impressed by
13 Mr. Dovey's efforts evidently to motivate District
14 Attorneys to prosecute. They seem to not find that
15 very important.

16 Without prejudging anything that any panel
17 might say, I think there are some areas for
18 improvement, actually. We have heard a lot about
19 the dangers of punishing the victim, sending the

20 sexual abuse victim rather than just the accuser to
21 ad seg. Something that seems to still being done
22 here. That is a problem. Seems to be a breakdown
23 on communication between the sheriffs' offices and
24 the prison system in terms of what kind of
25 information, if any comes. As one witness said, it

1 is hit or miss. Love to see some of the factors
2 Mr. Dumond mentioned that determine vulnerability be
3 a regular, indispensable aspect of paperwork that
4 comes with, not 90 days later, but with the new
5 admittee, the entire file or her medical file, their
6 sexual orientation if it's been discussed, any
7 history of abuse. They would seem to be
8 indispensable information for prevention. And
9 everybody seems to say that prevention is a lot
10 easier and better than focusing on prosecution after
11 the fact.

12 Seems to me that CDCR may need to work a bit
13 more after action review, learning lessons, doing
14 postmortems on sexual assault, finding out where the
15 system broke down. The outside investigations of
16 sexual assaults has been a recurring area of
17 interest that the Department might want to consider.
18 Cameras seem to be cheaper than staff and cheaper
19 than two or three COs escorting somebody to a rape

20 center for eight to 12 hours. Nobody seems to have
21 a real reason why that technology wouldn't be a good
22 idea.

23 Everybody mentioned overcrowding, and that is
24 obviously something for the Legislature to wake up
25 to. And to the extent that was alleviated, that

1 would cut down on blind spots.

2 Improve classification and housing options
3 rather than just filling whatever few beds might be
4 available in the gym. And we have heard a lot about
5 need for confidentiality reporting. There seems to
6 be a conflict between who you can trust and what is
7 expected of the employee to report a felony.

8 Finally, there are mixed reviews about the
9 zero tolerance policy that is espoused concerning
10 sexual harassment and epithets versus the apparent
11 lack of anybody being able to recall anybody being
12 disciplined or prosecuted. So I just throw those
13 out as very preliminary compliments and points of
14 concern, for whatever they are worth. Nothing that
15 I have had the pleasure of collaborating with on.
16 These are just some initial observations.

17 And, again, we appreciate very much your
18 contributions. And as for your follow-through on
19 the various documents and promise that have been

20 made, and we will always be open to any additional
21 information that you want to provide. In that sense
22 the report remains open if you want to supplement,
23 rebut or respond to anything you said or heard.

24 With that, unless anything else to be said, we
25 are in adjournment.

1 Thank you very much.

2 MS. ELLIS: Thank you.

3 MR. SEXTON: Thank you.

4 (Hearing concluded at 4:45 p.m.)

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