

1 really do.

2 I hope that answers your questions.

3 MR. MCFARLAND: Thank you. We want to
4 thank each of you for all the time you put into your
5 testimony. I think all of us have a lot of
6 questions to ask.

7 Let me just give it off to Warden Kramer.

8 Would you like to add to the mix, if so I will swear
9 you.

10 (Oath administered by Mr. McFarland)

11 MR. MCFARLAND: Thank you as well for your
12 hospitality, for providing the venue and education.

13 MR. KRAMER: Thank you for the opportunity
14 to give you a tour of Folsom Prison last night. As
15 you can tell from the facility, it does present a
16 somewhat unique challenge in a number of areas,
17 including the sexual misconduct area, as you saw
18 from viewing some of the cells and the staffing that
19 we have. And I'll just take a few minutes.

20 I would like to reiterate some of the points
21 that Warden Malfi brought up. As far as the
22 challenges, I think the headquarters staff, as the
23 Director pointed out and Ms. Still pointed out, the
24 training program that we are receiving, the training
25 program that we are rolling out has been very well

1 received. The training material has been very
2 helpful in educating the staff. Also putting
3 information up in the housing units. I think you
4 had an opportunity to observe yesterday the posters
5 that are in the units, that were up in the ad seg
6 facility that you went by.

7 I think the challenge that we are having is
8 just the number of inmates and observations of the
9 inmates, getting the reports as we need to get them
10 as currently and as quickly as we can, and then
11 taking the information forward and taking the
12 information, as Warden Malfi pointed out, up to the
13 District Attorneys and getting the reports and
14 getting prosecution.

15 One of problems we are having when we get into
16 the area of coming forward and the like, SAC at
17 Folsom we have about 4,000 inmates. In going back
18 to the files we have had two active cases under
19 PREA, and we had about five or six under the sexual

20 misconduct. With the problems that we face in both
21 these areas in rolling out the programs, having the
22 staff trained on what actions to take and then
23 making sure we follow through is our challenge as
24 management in this area.

25 The cases that we have had on the sexual

1 misconduct, as brought up earlier, has also been
2 something that we put a lot of emphasis on, and we
3 have staff that also use the new technique, such as
4 putting cameras in areas that we don't have staff.
5 One of the things that would be helpful for us in
6 the prison setting is to have more video camera
7 recording. When we don't have staff, then we can
8 monitor different areas of the prison. It's been
9 very helpful to us in our visiting program, cutting
10 down on the amount of misconduct we have had during
11 the visiting. We have been able to take cases
12 forward predicated on having the actual video, the
13 evidence.

14 The problem that we again face in taking this
15 forward especially in the areas where you have more
16 consensual and while it is obviously against the
17 law, as Mr. Dovey pointed out, when you take cases
18 to the District Attorneys and you do have more of a
19 sexual consent, it's been a problem in getting those

20 cases prosecuted. So those are the -- I think those
21 are the challenges. Same thing in areas with staff.
22 If you have staff misconduct, immediately the staff
23 resign and will take it forward and it's been
24 difficult to get the District Attorneys to take the
25 cases forward, for either felony or misdemeanor

1 prosecution.

2 MR. MCFARLAND: Thank you, Warden.

3 MR. KRAMER: Thank you.

4 MR. MCFARLAND: I am very interested in
5 further pursuing the line of questioning, the issue
6 of prosecution and prosecutor's reluctance to pursue
7 investigations and prosecutions. To what do you
8 attribute now that there is a law, now that there is
9 no defense of consent in California prisons -- there
10 is no such thing as consensual sex in one of your
11 facilities. Is that correct?

12 MR. DOVEY: That is correct.

13 MR. MCFARLAND: There is no longer that
14 obstacle. Therefore, there won't be any great deal
15 of discretion on the part of DA as to, "Gee, I
16 wonder if a crime has been committed here." So what
17 is the problem today in getting prosecutors to
18 prosecute crime in prison, specifically sexual
19 assault in prison?