

1 CALIFORNIA STATE PRISON - SACRAMENTO

2 TUESDAY, NOVEMBER 14, 2006, 9:00 A.M.

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4 MR. MCFARLAND: Good morning. My name is
5 Steve McFarland, and it is my privilege to welcome
6 you to the first public hearing of the Review Panel
7 on Prison Rape. I have the pleasure of, I guess,
8 informally chairing the panel. I am with the Office
9 of the Deputy Attorney General of the U.S.
10 Department of Justice and direct their task force on
11 Faith-Based and Community Initiatives. I also chair
12 the Attorney General's working group on prison
13 reentry.

14 To my right is -- let me introduce the other
15 two distinguished panelists: Carroll Ann Ellis of
16 Fairfax County, Virginia, a very experienced
17 professional in the area of victim services, victim
18 trauma, crime victim, and brings a great deal of
19 sensitivity and understanding and personal

20 experience in that area.

21 Then we have Sheriff Ted Sexton, immediate
22 past president of the National Sheriffs Association
23 and the recently re-elected Sheriff of Tuscaloosa
24 County, Alabama.

25 I want to thank the California Department of

1 Corrections and Rehabilitation, Secretary Tilton,
2 Warden Malfi, Warden Kramer here at Old Folsom. I
3 want to thank Ms. Nancy Hardy and Ms. Judy Roark,
4 Lt. Bob Trujillo, Lt. David Foot and the other
5 employees of the Department who have been so helpful
6 in making accommodations, providing the venue and
7 accommodating our better understanding of the
8 physical layout here at Old and New Folsom and also
9 our understanding of the questions at hand.

10 I want to thank Michael Alston, Kathleen
11 Severens and George Mazza and Helen Mathis of the
12 Department of Justice who have been very, very
13 helpful and instrumental in setting all of this up
14 for the panel.

15 And the tour yesterday was very helpful. And
16 I want to thank them for their accommodation in that
17 regard.

18 The purpose and charge of this panel is set
19 out in the Prison Rape Elimination Act of 2003, as

20 being to carry out public hearings concerning the
21 operation of the three prisons with the highest
22 incidence of prison rape and the two prisons with
23 the lowest incidence of prison rape in federal,
24 state, county and municipal prisons. So the purpose
25 of our hearing today is to identify the common

1 characteristics of not only victims and perpetrators
2 of prison rape, but also those prison and prison
3 systems with the highest incidence of prison rape
4 and those that have been successful in deterring
5 prison rape.

6 We are here to listen and not to talk, so none
7 of the Panel Members have long speeches. None of us
8 are running for office, so we don't need to be
9 heard. So let me just make one disclaimer before I
10 turn it over to the other panel members just to
11 greet you. That is that we chose to come here to
12 the CDCR not because that they have been -- not
13 because they have been ranked the best or the worst,
14 but because they are the largest state prison system
15 and because California has had the foresight to
16 enact legislation of its own in this area.

17 So in no way should our presence here be
18 misinterpreted as suggesting that the California
19 prison system is under investigation or scrutiny.

20 That is neither the role of this panel nor should it
21 be -- nor do we have any basis for choosing CDCR
22 over any other any other system, because it is not
23 our task to do any ranking. That will be done by
24 the Bureau of Justice Statistics and the Department
25 of Justice. We are grateful for CDCR's

1 accommodation and for the light they can shed on the
2 issue.

3 Let me just make three requests. If you have
4 submitted written testimony, you need not feel
5 obligated to read it all. We have read everything
6 that has been submitted. So you can just choose
7 what you share verbally, and the more time you leave
8 for questions the better.

9 Second request would be that you would define
10 any acronyms and any correctional buzz words.
11 Assume that I don't know. Ted and Carroll maybe
12 will know, but other than DOJ and CDCR, if you drop
13 any acronyms without telling us what you are talking
14 about, we may miss something. Around my house my
15 wife does not permit intertable conversation with
16 any other acronyms other than DOJ.

17 And the third request would be that the more
18 specific and the more direct and simple the better.
19 And I can say this being a lawyer, less lawyerly

20 generalities and obtuse comments. Say what you mean
21 and mean what you say. That would be very helpful.
22 And before I administer the oath and call for the
23 first panel, let me turn it over to Panel Member
24 Carroll Ellis.

25 MS. ELLIS: Good morning. Your presence

1 here is a testament to your commitment to this very
2 serious issue. And to that end I salute you. I am
3 pleased to be here. I am honored to be here, to be
4 a part of this important panel, and I look forward
5 to our discussion this morning. As for the
6 acronyms, have no fear. I am not insulted if you
7 talk to me like I am six years old. So I appreciate
8 your being explicit and breaking it down.

9 We have been supported. We have been
10 educated, and I want to add my thank you to Steve,
11 to everyone involved. So far it's been an amazing
12 journey. I look forward to your continued support
13 and cooperation. And again thank you, and I am
14 pleased to be here.

15 MR. SEXTON: Thank you. It is an honor to
16 be here. I look out and see some faces that I know.
17 Mr. Morris Thigpen from Alabama.

18 I am here to listen. I think everything has
19 already been covered and I look forward to what you

20 say and to answer questions.

21 Thank you.

22 MR. MCFARLAND: With that, let me call
23 forward the first panel: Mr. John Dovey, Director of
24 CDCR's adult institutions; Ms. Wendy Still,
25 Associate Director of Adult Institutions of CDCR;

1 Nancy Hardy, who I already mentioned and thanked,
2 corrections administrator and lead person as I
3 understand for PREA in CDCR; and the warden here at
4 the New Folsom or California State Penitentiary at
5 Sacramento, Mr. Anthony Malfi.

6 If they would come forward, I will administer
7 the oath.

8 (Oath administered by Mr. McFarland)

9 MR. MCFARLAND: I understand that
10 Mr. Dovey has been detained for another five minutes
11 or so. With that, we will start with Ms. Still.

12 Thank you very much.

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