

QUESTIONS FROM THE COMMISSION OF THE "BEST PRACTICES  
FOR CONFINING VULNERABLE GROUPS BEHIND BARS" PANEL

CHAIRMAN WALTON: Commissioner Kaneb.

COMMISSIONER KANEB: I'm curious as to how you balance the open declaration that sex in jail is illegal and if you get caught you're going to be prosecuted with what has to be -- tell me if I'm wrong -- a much more vigilant and frequently enforced attempt to apprehend, punish, whatever, the violent or nonconsensual sex perpetrator from the consensual sex perpetrator.

I'm not asking this question very well, but from what both of you have said, it seems to me that you're saying there's very little nonconsensual sex in at least the jails that are set up where observation is relatively easy. So one would presume, at least, not understanding how these jails are laid out except by looking at a picture, that consensual sex is also easy to observe.

SHERIFF HENNESSEY: Yes, that is correct. In a jail that's designed where you have good observation lines, there's very little sex that goes on because you can be observed.

COMMISSIONER KANEB: Okay. So I think that answers my question. So -- I wish I had more time. In fact, the observation discourages sex, period?

SHERIFF HENNESSEY: Correct.

COMMISSIONER KANEB: Okay. Thank you.

DEPUTY SHERIFF LANNI: I really think the gentleman's point over there about ending up HIV positive -- coming into a jail environment negative and leaving positive is probably more devastating than any of us can imagine. And if we can protect that, I think we have an obligation to do so.

I mean the whole issue about -- I mean I'm not the judge, the jury and the executioner. I'm there to protect and supervise the inmates and give them what they need while they're in the county jail. That's basically my function. And part of that protection, I think, comes in this form.

Because before we gave condoms -- and they've been doing it a lot longer than we have -- they were using corn nut wrappers, love gloves, as they used to call them, were the gloves we gave them to clean up with. So they were using their own devices in order to try to protect themselves.

CHAIRMAN WALTON: Mr. Nolan.

COMMISSIONER NOLAN: This is ancient history, but when I was in law school a buddy of mine that had been a buddy of mine in high school was busted for drugs, and I went down to visit him at old L.A. County Jail. And Pete said he had asked to be put in the queens' tank, they called it then, because he was vulnerable. And they did. L.A. so accommodated him.

Is that type of thing done? Do you put heterosexual males that want protection in the K-11

or is it strictly --

DEPUTY SHERIFF LANNI: I don't. Unless there is an order given to me by one of the superiors, we don't house heterosexual men in the gay area.

COMMISSIONER NOLAN: What would you do with -- Pete was vulnerable. He was a surfer kid, blonde, young, slight. What would you do with an inmate like him that came in and said, gee, I'm worried? How would you handle that?

DEPUTY SHERIFF LANNI: Like the Sheriff said before, the classification system is designed -- for instance, a soft inmate, or somebody that is frail and defenseless looks hands-up they'll be somebody's -- and do I this in the training, I call them someone's love child. We put them in a soft tank, in other words, a separate part of the jail, first-time offenders. And a lot of the times we used to put the older guys who were like 60 or 70 years old in jail -- put them in the same area so that they wouldn't become victimized.

COMMISSIONER NOLAN: So it's an area where they're not around anybody that might take advantage of them, but it's not gay and transgender people they're with?

DEPUTY SHERIFF LANNI: That's correct.

COMMISSIONER NOLAN: Okay.

Sheriff Hennessey?

SHERIFF HENNESSEY: Well, I think probably everybody does it a little bit differently.

In San Francisco, we do mix gay inmates with heterosexual inmates based on their classification, unless there is some other vulnerability issue that we're concerned about. Because many people in the gay population can handle themselves just as well as anybody else heterosexual in the population. And so we've gone away from an all-gay housing population; however, we do separate transgenders. We do separate them from the general population.

But you're talking about the surfer who comes in. The best example I like to give people is we had a young man who was a street preacher who got in a conflict with some people on the street corner. He had never been in jail before. He was a religious young man. And he got in his car and drove into the crowd and killed three young black kids, and he was put in our jail.

Now, you'd say, well, here's a murderer, here's a multiple murderer. But this guy had never been in jail before. He was a small frail guy. We put him in with the drunk drivers. And the drunk drivers didn't bother him, and he didn't bother the drunk drivers.

So it's that sort of -- that's the way the classification system works, in terms of housing vulnerable people with vulnerable people and tougher guys with tougher guys.

DEPUTY SHERIFF LANNI: Mike, if you don't mind,

I'd like to comment a minute on the -- you were talking about the females reform.

I worked four years in a female facility. Not once had I ever heard any complaints by the women. Our department, like the Sheriff said, we have doors on the stalls so that you can't view the women. I was constantly telling the women to pull the curtains in the showers while I worked those dorm areas. At the Twin Towers facility -- you may have seen this in the paper -- they went ahead and frosted all the glass because of the males and females being transferred in the same area.

So there are means to, you know, have both those people in the same area, protect those people from viewing, for instance, but I think it's a matter of drawing the line and how you conduct yourself in a female facility.

COMMISSIONER NOLAN: Drawing the line for the officers?

DEPUTY SHERIFF LANNI: Right. Because there was a lot of talk about -- and I experienced the same thing while I worked there. We lost a guy of 20-some-odd years for the same thing.

So I think you have to set those boundaries and, again, with policy. And we teach that. In the classes for the gay and transgender inmates, I continuously talk to those individuals about searching transgenders. And I've done it for nine years, and I made it a special part of the

classification lecture outside of the supervision of inmates that I taught so that the deputies were quite clear on what the policy was, what you could and could not do.

So I applaud the request for training. I think that's really important.

CHAIRMAN WALTON: We don't want to wear out our welcome. I know we were given authority to have the courtroom until 5:00 -- 6:00?

So we're all right. We can ask a few more questions.

COMMISSIONER STRUCKMAN-JOHNSON: Great. This panel is giving us facts, these ideas. This is the first time we've heard of somebody willing to give out free condoms and abide by a policy. But yet we know it will provide protection for the cases where -- you want to save lives. Thank you for that information. And this is -- you have some support now.

I'm scared to ask what color uniform do you have them in --

DEPUTY SHERIFF LANNI: They're currently in light blue.

COMMISSIONER STRUCKMAN-JOHNSON: Thank heavens.

DEPUTY SHERIFF LANNI: It's not like pink.

COMMISSIONER STRUCKMAN-JOHNSON: I'm kidding. I just had to ask.

Anyway, thank you. I appreciate the

pictures. Because I've been trying to figure out this modular jail system. I've heard it described, and I couldn't quite envision it. But this will help, so I'll take this into my classroom and show people.

Thank you.

CHAIRMAN WALTON: Commissioner Smith.

COMMISSIONER SMITH: I think that one of the things that we've heard consistently throughout the testimony is about the issue around culture of respect. And I guess one of the things that I'm interested in hearing both from Sheriff Hennessey and also from Deputy Sheriff Lanni is what specific activities or concrete activities you do within your facilities to encourage a culture of respect. Because I would imagine it would be difficult to have these policies bear fruit if there were not a culture of respect.

SHERIFF HENNESSEY: It's -- that's a good question, and it's a very difficult area to work in, because there is, as I said before, sort of a natural conflict or -- let's just say conflict between people who are arrested and people who are in law enforcement. One side blames the other for the arrest. The other side considers those incarcerated as criminals, quote-unquote, criminals. So it is difficult.

In our case, when we hire a group of employees, on their first day of hire I speak with

them personally about a number of concerns that I have. And one of the things I address to them is about their use of language, and I say that you at all times have to keep your language professional. And then we talk about what is professional, what is not professional. But I explain to them that if your language is kept professional, you're going to avoid sexual-harassment complaints, racial-harassment complaints, anti-gay complaints, workplace-harassment complaints. And I just explain to them that -- the trouble that they're going to get into if they don't keep their language professional.

And in terms of dealing with prisoners, apart from just the professionalism of the language, we try to get people to address -- our policy is that you address inmates as Mr. or Ms. or just by their last name in the case of, you know, a transgender who sometimes you're not sure how the person wishes to be addressed. You say, "Hey, Brown, come over here," or "Inmate Brown, come over here," and you keep things professional.

It is difficult because you hold your staff to a standard that you can't impose on the inmates. And inmates will try to get under the skin of the staff and try to goad them into talking inappropriately to them or talking in kind to them after they have called them a racial name or things like that. But it's something we have to constantly

work on. You have to counsel people about it. And I think that's probably the first level of how you create the veneer of respect between the two sides, is by talking about it.

COMMISSIONER SMITH: I think "veneer" is a good word.

SHERIFF HENNESSEY: The other thing that I think is particularly important, in California I know, for example, and I think many places throughout the nation, is when a correctional officer or a deputy sheriff or policeman/policewoman becomes a peace officer, they subscribe to a law-enforcement code of ethics. And it's read at the academy, generally, or -- it's part of our procedures that you sign on, your procedures. And it's a tremendously comprehensive document that's probably six paragraphs long, but it talks about how you will treat all people that you're dealing with, whether they're a friend or whether they're a vagrant or whether they're a criminal, and how you will keep your -- your conduct professional at all times. And it's something that I constantly remind my staff that they should read, is the law-enforcement code of ethics, because I think creating a set of ethical standards is about the only way that you can control conduct. Because you're not always going to be observing what your staff is doing.

DEPUTY SHERIFF LANNI: I couldn't have said it better. We also reiterate it again through the jail

ops training for the guys that are coming into the jail facilities. They go through a class and it's reiterated again. The same thing the Sheriff said, Mr., Ms., and they're to address us either by Deputy Lanni or sir, whatever it is.

So I think -- I agree with the doctor earlier. I think that respect breeds respect, and I think that's the way to go.

COMMISSIONER SMITH: Do you ever sanction staff for their language towards offenders?

DEPUTY SHERIFF LANNI: Myself?

COMMISSIONER SMITH: As an institution.

SHERIFF HENNESSEY: I have, yes. People have been counseled, reprimanded and disciplined for their language.

DEPUTY SHERIFF LANNI: I think it's also incumbent upon the peer group to control that also. I understand when you're young and you're new, you're probably less apt to reprimand somebody who is a little older than you, may have been around a little longer, but there is no hesitation by myself or my partner now.

And I've done a lot of work for the union as a representative. And I've done a lot of review-board hearings, where I've disciplined my own peers for conduct in those hearings. So I think, again, you know, you have to hold yourself to a standard, like the Sheriff said, and follow through

with that standard.

COMMISSIONER SMITH: And there's just -- if I can ask one more question: The comments that both of you seemed to make related it -- it seemed to relate to offender-on-offender conduct, and it didn't seem to really address staff conduct with regard to offenders. And I'd like to ask you to speak to that as well, because the stuff that you talked about around classification really seemed to relate to that issue and not about staff sexual abuse of offenders.

SHERIFF HENNESSEY: Yes. In the photograph or the xerox of the photograph I gave you of the more modern-style jail, that jail has been open since 1996, and we have never had a case of sexual assault of an inmate on an inmate. However, I've had two cases where I have fired deputies for sexual misconduct with inmates. So it does take place. And it didn't take place in the areas where you could observe. It took place back in -- in one case in a laundry room, where the inmate was taken back to do laundry, a transgender inmate. There wasn't sexual intercourse, but there was inappropriate sexual activity.

And the other case, it was in a kitchen area where a male inmate -- a male deputy, excuse me, had taken a female and created a relationship, frankly, with the female inmate and had sexual conduct.

And in both cases, both those staff people were fired. So it is something that, you know, you

have to guard against.

You're hiring people who have never worked in a jail before. They're coming into a very different world when they get there, and they're subject to manipulation that they've never been subject to before. They're meeting people, the kinds of people they've never met before, and you do have to do a lot of training with people and you do have to do a lot of supervision with people, because it's a very corrosive environment to work in.

DEPUTY SHERIFF LANNI: There's no question about disciplining staff that violates the rules. My boss is the same way. If you're found to violate the rules or at-risk conduct, then -- like the one incidence I told you, they fired that guy. We've had deputies that have lost their lives through fraternization with inmates. So the Sheriff is pretty strict on conducting yourself properly and doing the right thing. And if you don't, you lose your job.

CHAIRMAN WALTON: Commissioner Aiken.

COMMISSIONER AIKEN: Just one brief question I think the Sheriff answered partially.

In relationship to the classification system, what are some of the specific factors that you use in order to validate and ensure that the classification system is performing at the optimum level?

SHERIFF HENNESSEY: There are a great number of factors, but probably the key factors are whether a person has been to state prison before or not. That indicates a great deal of sophistication or a lack thereof. Whether a person is charged with a crime of violence or not. Whether a person has a prior record of mental-health issues or particularly suicide attempts or not. Whether the person is gay or not. Whether the person has a prior history of escape or not.

And those, I think, are the -- the gross key factors. And then from that you can look at a multitude of other things. If they have a prior charge of violence, how long ago was it or how recent was it or how many times have they had charges of violence in terms of determining how potentially violent this person may be while in custody.

But I think those basic factors are the -- the headlines. And then you look at the -- more details as you get the record in. And in our jail and, I think, in many jails, when a person is brought into our custody, before they are taken away from the booking desk they have a medical interview to see if they need any immediate medical care.

Then there's a background check to look for their criminal background. Then there's a more detailed medical interview of them, and then there's a more detailed classification interview of them, where you ask them a whole bunch of questions: Do

you have any known enemies in the jail, are you a member of a gang, what's that tattoo for, do you have any tattoos? Because gang issues are a big potential conflict. And so the classification officers become pretty sophisticated in knowing what questions to ask. They have a rogue set of questions to ask, but then they also know from their own personal experience what kind of questions to ask.

And we do give our classification officers the authority to override the objective classification point system based on their intuition, based on the factors, and then that's reviewed by their supervisor.

CHAIRMAN WALTON: We would --

DEPUTY SHERIFF LANNI: Same thing applies in L.A.

CHAIRMAN WALTON: I would assume your classification system has been reduced to writing?

DEPUTY SHERIFF LANNI: Yes.

CHAIRMAN WALTON: Could we gain access to that?

SHERIFF HENNESSEY: Yes, we provided you with a copy of our classification manual.

CHAIRMAN WALTON: And anything that you have related to codes of conduct for your personnel that's reduced to writing, we'd love to have from both of you that information.

COMMISSIONER AIKEN: I just wanted to ask one more question.

CHAIRMAN WALTON: Okay.

COMMISSIONER AIKEN: In the correctional environment or confinement environment, obviously you document and you keep records and documents on the operations of facilities; is that correct?

SHERIFF HENNESSEY: Yes.

COMMISSIONER AIKEN: Okay. Can you give the Commission just briefly the type of logs or just examples of logs and the type of information that you gather on a daily basis in relationship to your operations of facilities.

DEPUTY SHERIFF LANNI: Well, any unusual incident gets written into a narrative report, in other words, contraband found, assault on a staff person, assault from one inmate on another inmate, anything like that gets written into what we call an incident report. And it may lead to a further investigation or it may not, depending on how serious it is.

Each facility keeps a logbook, and the logbook is intended to document unusual incidents that happen on the shift so that the next shift can come in and see what they're walking into if it hasn't been orally communicated from one supervisor to another supervisor. So those types of things are kept on a 24-hourly basis.

And apart from that, then, classification officers have files on everybody who comes into custody, and the files are updated as incidents take place or as information comes in, maybe through another agency or even from a newspaper report, where

you see that something has come out in the newspaper that you didn't know about the inmate, the prisoner, related to their family and now you realize they have another family member in custody or something like that. So that type of stuff will go into classification files. So those documents are kept on a regular basis.

DEPUTY SHERIFF LANNI: And the other stuff that's kept on those logs are the usual feeding, bill-call, sick-call-type stuff, laundry exchanges and any other general activities that the inmates would do all day long.

COMMISSIONER AIKEN: Thank you both.

COMMISSIONER KANEB: I'd just like to say that after a long day of listening to horrific and horrendous incidents, conditions, et cetera, et cetera, speaking for myself, you've allowed me to end the day on an uplifting note.

CHAIRMAN WALTON: I would echo that.

I think what we heard today has been both informative and educational, and I'm sure that the Commission will be able to use all of the information provided by everybody as we go about our mission that was given to us by Congress.

I am absolutely certain we'll be back in contact with both of you. We intend to hold other hearings, and we'll be focusing on best practices. We'll do a whole day in reference to that, and I

would hope that both of you would be willing to assist us in that regard.

So, again, I want to thank everybody for their participation, and we will close this second hearing of the Commission.

Thank you.

(The proceedings concluded at 5:23 p.m.)