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1 take the oath.

2 Do each of you solemnly swear or affirm
3 that the testimony you will provide to this
4 Commission will be the truth, the whole truth, and
5 nothing but the truth, so help you God?

6 MR. MICHAEL BERANBAUM: I do.

7 MR. TIXOC MUNIZ: I do.

8 CHAIRMAN WALTON: Thank you.

9 The next panel and the panels tomorrow will
10 devote -- are devoted -- I'm sorry -- to hearing
11 from those who represent line correctional officers.
12 We will be hearing from several different unions
13 through the representations of local presidents,
14 business agents, and division presidents.

15 Last March this Commission heard largely
16 from correction officials in management positions.
17 Since the role of line staff is so crucial to how
18 prison rape can be eliminated, it is essential for
19 us to hear from those who deal with inmates on a
20 day-to-day basis at the actual detention level.

21 The first panel that we'll hear from today
22 will primarily address the issue of the type of
23 training that's most effective in acquiring staff
24 support for measures aimed at eliminating prison
25 rape.

1 Hopefully our witnesses today will also be
2 able to provide some insight about the level of
3 training that thus far has been made available to
4 correctional officers.

5 Tomorrow's panels will explore the role of
6 staff in reporting and -- in the reporting and
7 investigation of sexual assault cases as well as the
8 impact administrative disciplinary procedures can
9 have on the incidence of misconduct in the prison
10 setting.

11 Mr. Michael Beranbaum is the director of
12 representation for the Department of Corrections
13 bargaining unit, Teamsters Local 117, in Tukwila,
14 Washington. And Mr. Tixoc, I guess that is, Muniz
15 is the President of the Arizona Correctional Peace
16 Officers Association.

17 I thank both of you for your presence here
18 today, and we'll hear from Mr. Beranbaum first.

19 MR. MICHAEL BERANBAUM: Thank you.
20 Mr. Commissioner, distinguished members of this
21 Commission, it's my pleasure to be here today to
22 testify on behalf of the 17,000 members of our local
23 union throughout the state of Washington, including
24 over 5,000 of whom are employed by the state
25 Department of Corrections.

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1 Over the past 15 years, I've held various
2 positions within two Teamster locals, where I've
3 acquired worthwhile experience representing members
4 in all facets of public safety.

5 Currently, I am the director of
6 representation of the Department of Corrections
7 bargaining unit at Teamsters Local 117, which is the
8 third largest local union in the International
9 Brotherhood of Teamsters.

10 As director I oversee a team of
11 professional business representatives, attorneys,
12 and a full-time lobbyist, all of whom are
13 responsible for the daily representation of
14 correction employees working in 13 institutions
15 throughout the entire state of Washington.

16 By way of background, the Department of
17 Corrections facilities vary in size and function.
18 For example, you have the Monroe Correctional
19 Complex, which actually houses four separate
20 institutions within its complex, each with its own
21 separate custody level, including a sex offender
22 treatment program.

23 And you also have in the state of
24 Washington, the Walla Walla -- in Walla Walla,
25 Washington, the Washington State Penitentiary.

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1 Both of these institutions employ over 1100
2 line staff each.

3 We also have in the state several
4 facilities which are what are considered to be work
5 camps, such as Larch Corrections Center in Yacolt
6 and Olympic Corrections Center in Forks, Washington,
7 with approximately 200 correctional staff each. So
8 it really varies, and we have the full gamut of
9 facilities.

10 As to the Prison Rape Elimination Act of
11 2003, Teamsters Local Union No. 117 and the DOC
12 members we represent accept the goal of zero
13 tolerance for the acts of rape and other forms of
14 sexual misconduct within prisons and jails.

15 In the statement offered that you will hear
16 later, if you haven't already received that, from
17 Carl E. Haynes, who is the vice President at large
18 and the director of the public services division of
19 the International Brotherhood of Teamsters, he
20 reminds us that ongoing training will help to foster
21 a work culture where sexual misconduct is not
22 tolerated. We cannot achieve the goals of PREA
23 through an unfunded mandate.

24 And I'm going to vary a little bit from
25 what I heard -- or what I've submitted in written

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1 testimony only to reiterate, I heard a lot of
2 testimony today about all of the important things
3 that are needed.

4 But ultimately none of them can be
5 implemented without funding, and that is an
6 important part of what this Commission can move to
7 ask for.

8 Currently new correctional line staff at
9 the state of Washington, Department of Corrections,
10 participate in a six-week academy. In addition to
11 that, they have annually 40 hours of in-service
12 training each year.

13 It's our belief that there should be a
14 national strategy to the design and delivery of both
15 the initial and ongoing training programs, which
16 should include, from our perspective, the following
17 areas:

18 One, training of line staff at correctional
19 institutions to recognize the behavior which leads
20 to prisoner-on-prisoner rape and effective
21 techniques and strategies to deal with the
22 aggressors.

23 Two, there should be joint training between
24 the correctional line staff, individuals responsible
25 for the investigation of allegations of

1 prisoner-on-prisoner rape, and those entrusted with
2 the prosecution of such crimes to ensure that
3 justice is effectively carried out.

4 Three, we believe that training of
5 prisoners on the punishments associated with
6 institutional rape and the making of false
7 allegations against fellow prisoners and staff.

8 Fourth, training of correctional line staff
9 to clearly define both the actions which constitute
10 sexual misconduct and the punishments for
11 involvement in such actions.

12 And, finally, the fifth aspect would be
13 training of correctional line staff on the
14 manipulative nature of the prisoners and how to
15 detect the warning signs that a coworker may be
16 falling prey to such behavior.

17 In order to ensure appropriate and
18 consistent levels of training throughout the
19 country, time and money are important elements to
20 accomplish PREA's goals.

21 Within the state of Washington, Department
22 of Corrections, every single hour of the academy and
23 the in-service training is already allocated for
24 courses necessary for the employees to succeed in
25 their chosen profession.

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1 None of the subjects can be eliminated to
2 create time for effective PREA training.

3 Moreover, the current requirements exhaust
4 the yearly budget dedicated for training.

5 Under the circumstances, PREA training can
6 only be accomplished with assistance from the
7 Federal Government.

8 I also believe that there needs to be a
9 strong statement from this Commission endorsing
10 joint labor management commitment to the type of
11 training described above.

12 An effective labor management relationship
13 is founded on trust and mutual respect, which is
14 built over time.

15 Our union has experienced continuing
16 maturity in its relationship with the Washington
17 State Department of Corrections, which continues to
18 strengthen and grow with each successive collective
19 bargaining agreement.

20 We have been able to work collaboratively
21 with each other over issues like the expansion of a
22 small work camp of approximately 200 beds to what
23 will be an institution of over 1800 beds, to the
24 opening of a brand-new facility.

25 Local Union 117 has also had success in

1 gaining member support for significant institutional
2 initiatives, such as creations of drug- and
3 alcohol-free workplace.

4 Training, though, is not the only factor
5 that is necessary to reach the important goals of
6 eliminating rape. We must ensure there's an
7 appropriate ratio of staff to inmates in each
8 correctional facility.

9 In this country, technology, such as
10 surveillance cameras, which we heard people speak to
11 this morning as an important goal, are only a piece
12 and a part. If you don't have the appropriate staff
13 levels in order to watch what's being recorded on
14 the tapes and then to act upon what you see, it
15 doesn't work alone. It needs to be done hand in
16 hand.

17 In our mind, the strongest deterrent is to
18 have a well-trained staff on the ground involved in
19 what's going on in the institution grounds on the
20 floor.

21 It should come as no surprise that the
22 solution to the type of progress and vision by PREA
23 requires money. Funding for proper staffing levels,
24 salaries, and employee benefits must be a meaningful
25 aspect of the department's budget.

1 The Federal Government should make funds
2 available to those agencies that embrace the
3 program.

4 We must be able to hire competent personnel
5 and properly compensate them commensurate with the
6 level of trust and the responsibility necessary to
7 protect our communities.

8 What should be done to ensure the
9 corrections personnel are protected? All too
10 frequently our members' work lives are impacted by
11 the manipulative nature of inmates in their charge.

12 Although the occurrence of custodial rape
13 is comparatively rare, the false, unsubstantiated
14 allegations of inmates are more frequent and can
15 have a career-ending impact on staff.

16 Within correctional institutions, respect
17 and integrity are an integral part of success. Once
18 clouded by unfounded allegations, many staff believe
19 their careers are forever damaged.

20 The Commission should work to ensure that
21 correctional line staff are treated fairly during
22 the often lengthy investigative stage, which more
23 often than not exonerates the staff involved.

24 Our members are trained to be firm, fair,
25 and consistent in their dealings with the prisoners,

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1 and they're not always afforded the same level of
2 respect from their employers.

3 Innocent until proven guilty must be the
4 guiding principle, and the result of a thorough
5 investigation must be evaluated against the just
6 cause standard.

7 All too often, we have cases within
8 Washington State DOC where prisoners raise
9 allegations of inappropriate conduct against staff.
10 And the first assumption by the agency is that the
11 employee is guilty.

12 We recently had a case which is right on
13 point with this. A custody officer at the McNeil
14 Island Corrections Center in Steilacoom, Washington,
15 was accused by an inmate of inappropriate conduct.

16 The officer was immediately assigned to
17 home while the agency conducted its investigation.
18 At the conclusion of the investigation, the employee
19 was exonerated of the charges by the inmate.

20 The investigation and determination took
21 more than nine months. During this time the agency
22 continued to compensate him, yet he was harmed, both
23 monetarily and emotionally.

24 The officer lost overtime opportunities and
25 was affected personally by having to explain to his

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1 family and his friends why he was not allowed to go
2 to work.

3 Situations like the one I just described
4 are not an anomaly.

5 I believe that if there were a standard for
6 fair and timely investigations achieved
7 legislatively and/or through collective bargaining,
8 the McNeil Island example would become a rarity.

9 Moreover, we found that in agencies where
10 employees have both a union and the legal right to
11 full collective bargaining, staff are better
12 compensated and have a higher sense of self-esteem
13 and dedication to the job.

14 In closing, the members of my local union
15 wish to reiterate that they are fully supportive of
16 the goals of PREA and urge you to ensure that
17 corrections personnel throughout this country are
18 provided with the best training and support to make
19 these goals a reality.

20 CHAIRMAN WALTON: Thank you very much for
21 your testimony.

22 Mr. Muniz.

23 MR. TIXOC MUNIZ: Well, I just want to see
24 if I can get his because that's what I'm going to
25 say.