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1           So our director implement new policies and  
2 procedures due to listen to the officers, you know,  
3 changing policies. Most of the policies they change  
4 in the Department of Corrections in Arizona is due  
5 to the meetings with the labor groups from our  
6 director.

7           We bring the opinions, the ideas, why it's  
8 important to change it. We told her from the field  
9 what works, what doesn't work. And she immediately  
10 in 15 days will make the reaction and change it. So  
11 we are lucky to have her as a director.

12           I must add that as we go along between  
13 labor group and management in the state of Arizona,  
14 we have a very good relation. We have the ability  
15 to communicate in my case as executive president for  
16 the whole state of Arizona. I got a phone line  
17 directly to the director for an issue like that.

18           Yes, we do have cases with officers get  
19 accused. But we are smart enough to figure it out  
20 fast if he makes sense or not. And we always go to  
21 the director, and if it would make sense, she would  
22 react immediately.

23           So other than that, just for your  
24 questions.

25           CHAIRMAN WALTON: What is the starting

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1 salary in the state of Washington for s correctional  
2 officer.

3 MR. BERANBAUM: I can't give you the exact  
4 number, but I would say that currently we are in the  
5 process -- we've just ratified a new labor agreement  
6 which will go into effect in July, first of this  
7 next year, which increased the wage for correctional  
8 officers, newly hired ones, from -- I believe it's  
9 about a 13 -- from the lowest point it's 13.2  
10 percent up to 18.2 percent, an increase on day one  
11 of that labor agreement, based on the fact that  
12 through the process we've determined that they are  
13 far behind the comparables.

14 CHAIRMAN WALTON: What's your rough  
15 estimate as to what the salary is?

16 MR. MICHAEL BERANBAUM: They make about  
17 30,000 a year.

18 CHAIRMAN WALTON: And in Arizona?

19 MR. TIXOC MUNIZ: 32-.

20 CHAIRMAN WALTON: 32-.

21 MR. TIXOC MUNIZ: We were last year what  
22 this year -- actually, July, our pay was 26,000.  
23 And due to the union and our director support with  
24 the governor, we got a \$6,000 dollar raise.

25 CHAIRMAN WALTON: What type of training do

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1 you think is most effective in advancing the  
2 objectives of PREA?

3 MR. TIXOC MUNIZ: PREA, definitely the  
4 experience that we have in this year with this  
5 director is hand to hand, teaching people.

6 We create a new program in Arizona --  
7 that's the director she wrote it too -- with the  
8 labor groups. We call it FTO, which is field  
9 training officer, which is a guy with experience,  
10 had a few years under his belt.

11 They understand and they can read the  
12 behavior of the inmates and can assume immediately  
13 if that is being compromised or was trying to  
14 compromise the staff. You know the signals, we can  
15 read them.

16 And we start training them. Say, listen,  
17 this is what's happening. This is what he's doing.  
18 He's talking to you. He makes approach to you most  
19 of the time and says to you, you're the best  
20 officer. Out of all of them, you're number one.  
21 You're such a great guy. You shouldn't be working  
22 with those guys. You should be the boss, or  
23 whatever the case.

24 So they start getting close to you by  
25 making you feel superior. You know, they close and

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1 they start asking you for things and -- but this is  
2 a sign that we teach the new people to learn to,  
3 hey, if they get to you and start telling you,  
4 you're the best, don't believe them, because they  
5 just say to me, too, I'm the best. So there can't  
6 be two best here. So yeah.

7 MR. MICHAEL BERANBAUM: Chairman, I'm  
8 actually glad you asked the question because I think  
9 what I've seen with PREA, as well as other  
10 requirements that are laid upon state agencies and  
11 other public entities, the department takes the law.  
12 They leaf through there, and they have staff who  
13 see, okay, well, what do we need to do to bare  
14 minimum meet the requirements?

15 And I think, unfortunately, that's what's  
16 happening. Right now the bare minimum of training  
17 is being given to people. The training that they're  
18 receiving is what to look out on for aggressive  
19 inmates, how to look for the warning signs, but it's  
20 superficial.

21 It's -- it gives you, this is what to look  
22 out for, but I don't believe it has a strong enough  
23 component to really combine all of what needs to be  
24 combined, which is, once you observe that behavior,  
25 how to confirm, all right, what you're seeing is

1 really there. But then how to act upon it properly  
2 so that you don't stop a successful prosecution.

3 Because a lot of times what you're getting  
4 is after the fact. You're noticing what -- we just  
5 had a recent case in Snohomish County, which is, I  
6 believe, the second largest county in the state of  
7 Washington, and the first attempt at prosecution  
8 since the passing of PREA.

9 And I don't know if you're aware of what  
10 occurred there --

11 CHAIRMAN WALTON: Unsuccessful, right?

12 MR. MICHAEL BERANBAUM: It was a terribly  
13 unsuccessful prosecution of a case which embodies  
14 exactly what we have been hearing about here.

15 You have -- you had a prisoner who has a  
16 long history, pre-PREA, of this type of behavior,  
17 was incarcerated originally for the rape of two men,  
18 had been involved in inmate sexual abuse at three  
19 separate institutions and had several levels of  
20 confinement and punishment internally based on that,  
21 has an 18-year-old, I believe, male put in his cell  
22 as a cellmate for him on his first day of  
23 incarceration.

24 The gentleman basically -- what is in all  
25 the studies that are part of the Commission's

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1 record, it's exactly what you're -- what the record  
2 shows. He was told, either you will do this or I  
3 will beat you every day that you're here. And the  
4 prisoner was found innocent of rape because they  
5 considered it to be consensual.

6 COMMISSIONER FELLNER: Can I ask you how  
7 that prisoner was put in the cell when it was clear  
8 no 18-year-old should have been put in with him? Do  
9 you know how that happened?

10 MR. MICHAEL BERANBAUM: Well, I don't know  
11 the specifics on that case.

12 But what happens is when inmates are  
13 brought in, there is some level of classification  
14 that's done, an assessment of them. But our  
15 institutions, as every other one around the country,  
16 are full. And they're overcrowded.

17 And the reality is that -- again, I don't  
18 want to be a harbinger on that money is the issue,  
19 but we're dealing with in some cases institutions  
20 that were built in 1908, that weren't built with the  
21 mindset of watching for these type of behaviors.  
22 And so we're working in these environments. And  
23 they weren't designed for what happens.

24 And, unfortunately, in this case, the young  
25 man was put in there and became a victim. And now

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1 is doubly a victim because when they attempted to  
2 take on his case, it was found that -- not to be  
3 rape.

4 CHAIRMAN WALTON: Just one other thing, and  
5 then I'll let my other commissioners -- I don't want  
6 to monopolize the questioning.

7 But, you know, what you say in reference to  
8 false allegations, I don't doubt that that's a  
9 reality, but I also don't doubt that there are  
10 individuals who make the allegations initially who,  
11 because of the circumstances of detention and just  
12 the nature of the allegation, who may at some point  
13 walk away from the allegation and not be willing to  
14 go forward with the prosecution, that doesn't  
15 necessarily mean that they weren't raped.

16 So what type of assessment is made in order  
17 to determine whether the allegations have merit or  
18 not?

19 MR. MICHAEL BERANBAUM: Well, again, I  
20 think, as in any case, once an allegation is made  
21 and an investigation is started, the investigation  
22 is taken to fruition.

23 Many times, whether it be in these kinds of  
24 cases or in other types of allegations raised,  
25 somebody will back away from their allegation. But

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1 once the investigation is started, they investigate.

2 And, again, that is part of the problem.

3 You need to have investigators who are trained

4 properly on how to do an investigation, how not to

5 just accept the fact that somebody says, well, I

6 changed my mind. I don't want to raise the issue.

7 There are still ways to attempt to find out

8 what truly happened.

9 And, again, our members and our union are

10 fully supportive. If this kind of behavior is going

11 on, it needs to be stopped. And just because we

12 have a union contract that has just cause standard,

13 it doesn't mean that if someone's engaging in this

14 kind of action that there's nothing that can be

15 done. There is a process and a key part of that is

16 having a thorough and proper investigation.

17 CHAIRMAN WALTON: Mr. Muniz, who does the

18 investigation in Arizona? Is it the correctional

19 system itself?

20 MR. TIXOC MUNIZ: Yes, CIU, which is the

21 criminal investigator unit.

22 I'm going to talk a little bit about what

23 he was talking about, the case of the 18-year-old

24 kid.

25 The way we do it in Arizona, at least for

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1 the last four years, but I can tell you eight years  
2 ago what it used to be, which he just described it.

3 The way Arizona is done is very simple, is  
4 include how the individual looks. The weight is  
5 very important. You don't put a kid that's  
6 100 pounds with a 300-pound gorilla. So in our  
7 department it does count that.

8 You know, the officer does an assessment  
9 and says, hey, we're going to put in this cell the  
10 same race, the same weight. It's a new inmate too,  
11 you know, a couple months. You don't put it with  
12 the guy that's running the white supremacy group,  
13 you know, a brand-new guy just coming in off the  
14 street, because you know what's going to happen, and  
15 that's part of the thing.

16 But in Arizona, too, we got something -- I  
17 don't know if they do. We got something we call a  
18 predator system, which means you keep a record of  
19 the inmate to say how many victims fell to this guy.  
20 So you will know when you're putting somebody with  
21 him who you're dealing with.

22 So in your system will say, it's going to  
23 be put with this person or that person. So when you  
24 decide where he's going to be housed, you know he's  
25 going to be housed, you know if he meets the same

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1 criteria, the same education, the same beliefs. I  
2 mean, they check everything. And that's very  
3 important.

4 Now, in the past it was not something that  
5 was being done. And this is maybe why you see the  
6 case what it used to be, 20 cases allegations of  
7 rape with the four versus now. Because the director  
8 approached with the labor group. You know, we  
9 brought the recommendations, she believed what we  
10 said, and approved the works. Listened to the labor  
11 groups.

12 CHAIRMAN WALTON: Is it also done  
13 internally in the state of Washington?

14 MR. MICHAEL BERANBAUM: Yes, it is. And,  
15 again, I believe that that's -- I think that's a  
16 problem.

17 I think that -- we've had experience in  
18 other public safety organizations that I worked.  
19 When there's an allegation that's a such serious  
20 nature, a lot of times it's passed off to another  
21 agency, a neutral agency that's professional in  
22 investigating to investigate, but it's not done that  
23 way currently.

24 CHAIRMAN WALTON: Commissioner Fellner?

25 COMMISSIONER FELLNER: I have a couple of

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1 questions.

2           Mr. Beranbaum, in your written testimony  
3 you talk about manipulative inmates. I'm not quite  
4 sure how an inmate manipulates someone into sexual  
5 contact when the professional line is so clear.

6           So I was sort of curious if you think  
7 somehow staff can be manipulated into sexual conduct  
8 with inmates and whether you think that should  
9 somehow be an excuse that they were manipulated.

10           But more important, I'm also curious what  
11 you think the burden of proof should be. You said  
12 that they're false allegations.

13           My experience is that generally allegations  
14 made by inmates of staff misconduct, contrary to  
15 what you have experienced, is that they're not  
16 believed. And that the -- and you say that the  
17 burden should be guilty -- innocent until proven  
18 guilty, but this is not a criminal court. This is  
19 an administrative proceeding.

20           Shouldn't the burden be something  
21 different? Because if it's a he said/she said, for  
22 example, and there's never going to be very clear --  
23 you know, oftentimes, at least, there's not going to  
24 be corroborative evidence.

25           Then if you say the burden is guilty --

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1 innocent until proven guilty, you're never going to  
2 be able to prove that staff are engaging in  
3 misconduct.

4           So I'm curious about your -- if you want to  
5 explore a little more than you were able to in your  
6 written testimony, what you think -- how you think  
7 allegations should be responded to, what should the  
8 burden be given the nature of confinement and the  
9 absence of proof often, and just go a little more  
10 in-depth than what you were able to in your written  
11 comments.

12           MR. MICHAEL BERANBAUM: Thank you very much  
13 for the opportunity.

14           First of all, I would tell you that in our  
15 13 institutions, we have institutions which are male  
16 institutions and we have female institutions. We  
17 have male guards, correctional officers, at female  
18 institutions, and we have female correctional  
19 officers at male institutions.

20           And there is a manipulative nature. And I  
21 don't believe just because someone's manipulated  
22 into the act that's an excuse for the act.

23           COMMISSIONER FELLNER: Okay. I'm glad to  
24 hear that.

25           MR. MICHAEL BERANBAUM: But we have had

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1 members who have come to us, and that is why I  
2 suggested that one of the key components of training  
3 that needs to be done is a training of staff to  
4 really see those signs in their coworkers, that an  
5 inmate is attempting to manipulate them, so that  
6 they can reach out to them and stop that before  
7 something happens.

8 Because it happens, and it happens all the  
9 time. And Mr. Muniz even testified to it.

10 COMMISSIONER FELLNER: I'm sorry. It  
11 happens all the time that staff have sexual  
12 relations with inmates?

13 MR. MICHAEL BERANBAUM: No. That inmates  
14 attempt to manipulate staff.

15 COMMISSIONER FELLNER: But I want to talk  
16 about sexual relations and the manipulation into  
17 sexual relations.

18 Are you saying that occurs?

19 MR. MICHAEL BERANBAUM: It has occurred, I  
20 would say. And in those cases the staff that become  
21 involved in that are taken through the process. And  
22 many times they are prosecuted if it's appropriate  
23 to be prosecuted.

24 In our state the law for custodial rape  
25 only applies to the correctional officers themselves

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1 and the sergeants. It doesn't apply to the kitchen  
2 staff and the psychologists and the psychiatrists,  
3 only to the custody officers and sergeants.

4 And so some are prosecuted. But to be  
5 honest, I can't recall a case in the state of  
6 Washington that a staff member was prosecuted and  
7 put into jail. I think in most -- the allegations  
8 have all been found to be unfounded.

9 COMMISSIONER FELLNER: Unfounded according  
10 to -- let's go back. I wanted to talk about the  
11 standard.

12 If you set as a standard that you are  
13 innocent until proven guilty, then most allegations  
14 will be found to be unsubstantiated or unfounded  
15 regardless of whether or not there was a sexual  
16 relationship. Isn't that the case?

17 CHAIRMAN WALTON: But aren't we commingling  
18 two things? Standard of proof and burden of proof  
19 are two different things. You're talking about  
20 burden of proof.

21 COMMISSIONER FELLNER: No. I'm talking  
22 about the standard. In his written testimony  
23 Mr. Beranbaum said that staff should be considered  
24 innocent until proven guilty.

25 CHAIRMAN WALTON: That is the burden of

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1 proof.

2 What is the standard? Is it preponderance?

3 Is it beyond a reasonable doubt?

4 MR. MICHAEL BERANBAUM: We have just cause

5 standard in our contracts. And there's several

6 tests to just cause.

7 But I would tell you that the reality of

8 the situation is when I say that they should be

9 treated innocent until they're found to be guilty,

10 what I'm saying is just because someone makes an

11 allegation, you shouldn't assume that that officer

12 did exactly what that person said, assign them to

13 home indefinitely.

14 There are many other types --

15 COMMISSIONER FELLNER: What do you think --

16 what should be done?

17 MR. MICHAEL BERANBAUM: If you give me a

18 chance, I'll get there.

19 To be honest with you, I think that you

20 have to do an assessment. You have to do an

21 assessment of that inmate and the history of that

22 inmate. You have to do an assessment of that staff

23 member and the history of that staff member.

24 If you're looking at a staff member who's a

25 20-year staff member with an exemplary work record,

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1 never an allegation, never a problem, then you have  
2 to look at that. That's a mitigating factor you  
3 have to look at.

4           If you look at an inmate who has a history  
5 of being manipulative, both towards other inmates,  
6 other staff -- I mean, because we heard testimony  
7 earlier about how -- and it's in the record from  
8 other hearings that you've had where people have  
9 testified about how inmates manipulate each other.  
10 We heard talk earlier about manipulating staff and  
11 bringing people -- smuggling stuff into  
12 institutions.

13           All of those are things that, if caught  
14 early enough, could be stopped before they ever  
15 reach that level. That's our goal. Our goal is to  
16 never have this kind of stuff happen.

17           But if it happens, we understand that maybe  
18 you have to reassign somebody to another location.  
19 But just to take somebody -- and in our instance, to  
20 find that most cases -- the case that I described to  
21 you at McNeil Island, after nine months the  
22 person -- the superintendent gave the person a  
23 letter of reprimand for something unrelated to that  
24 conduct but for something else that they saw through  
25 the investigation process.

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1           And so that individual then had a choice to  
2 challenge it or not, chose not to challenge it, and  
3 accepted their discipline for what they got.

4           But you have to have some level of reality.  
5 You can't just say, you're guilty. Because when you  
6 send somebody home and you assign them to home, even  
7 though you pay them, they are being punished.

8           And if you've ever had to sit there with a  
9 person who has to explain to their children why they  
10 can't go help out at their school, even though  
11 they're home every day, because they're not allowed  
12 to leave their house during their work-hours, why  
13 they have to explain to their neighbors why they  
14 never go to work, it's a hardship on an individual.

15           And I think that that needs to be accepted  
16 as well. Because many inmates raise these  
17 allegations not because something's happened,  
18 because they see it as a way to get transferred to  
19 another facility where they would rather be in the  
20 state, to move to a different area within the  
21 complex that they're at, because there are different  
22 levels of custody and different units have different  
23 benefits available to them because of the type of  
24 inmate.

25           And I think that you have to take all --

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1 the fact that all those things occur into it. You  
2 can't just jump to an assumption of guilt.

3 COMMISSIONER FELLNER: No. And nor should  
4 you jump to an assumption of innocence. We agree  
5 there.

6 MR. MICHAEL BERANBAUM: That's true.

7 COMMISSIONER FELLNER: I had one other  
8 question to both of you.

9 One of the things that research by Human  
10 Rights Watch and by -- we've heard testimony at the  
11 Commission and Stop Prisoner Rape have also heard  
12 time and time again, is that inmates who are being  
13 sexually abused by other inmates as well as by  
14 staff -- but let's for a moment just focus on  
15 inmate-on-inmate abuse.

16 They either don't complain to staff because  
17 they fear that they will then be a snitch -- and we  
18 all know what happens if you're called a snitch or  
19 are a snitch in prison -- or because staff simply  
20 don't take the complaints seriously. They will  
21 laugh. They'll say, you know, tough luck.

22 If you're a gay man especially, the staff  
23 have been incredibly unsympathetic and make all  
24 kinds of responses that basically do not encourage  
25 or provide protection to the inmate who's being

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1 abused.

2           And I wondered what both of you think can  
3 and should be done to strengthen the responsiveness  
4 of staff to concerns by inmates that they're being  
5 sexually abused or at risk of being sexually abused.

6           And how -- specifically what should be done  
7 to overcome the fear of -- and a justifiable to now  
8 fear of making complaints because of fear of  
9 retaliation? If they complain against a staff  
10 member, they fear retaliation. If they complain  
11 against an inmate, they're at risk.

12           Other than putting a person into protective  
13 custody, which is the same as putting them in  
14 segregation, which is a very punitive condition and  
15 people shouldn't -- so I'm curious if -- what you  
16 think can be done at the line officer level to  
17 change the culture to protect against  
18 inmate-on-inmate abuse and the attitude of staff  
19 towards when people do raise concerns about abuse.

20           MR. TIXOC MUNIZ: Well, I'm going to tell  
21 you something that -- I'm going to go back to eight  
22 years because that's what you're talking about.

23           When I started working in corrections eight  
24 years ago, when an inmate would complain about being  
25 sexually abused, most of the officers would have

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1 said, you deserve it. You deserve it. You got it  
2 coming. That's why you're here.

3 But -- so we got a new director and, you  
4 know, she come up with the new idea for the labor  
5 groups --

6 COMMISSIONER FELLNER: She came three years  
7 ago?

8 MR. TIXOC MUNIZ: She came three years ago,  
9 and she's making an unbelievable job. She starts  
10 education, educating the officers, how important it  
11 is to be a victim. We all can be victims, the  
12 officer too.

13 And let me tell you, it's very hard now the  
14 way policies are written in that department to get  
15 away with it. If the M.D. officer -- the inmate  
16 report to me that this incident happen and I fail to  
17 act and consult which come every day and watch, he  
18 get told, I just talked to the officer last night,  
19 he did nothing about it, I will probably be looking  
20 for a job.

21 COMMISSIONER FELLNER: So that's not  
22 something about money. That's about leadership from  
23 the top?

24 MR. TIXOC MUNIZ: Yes.

25 COMMISSIONER FELLNER: And making that

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1 message very clear, because you -- so that's a  
2 person came in and said, we will not tolerate this,  
3 and that's made a difference, you're saying?

4 MR. TIXOC MUNIZ: And, you know, it is  
5 definitely money. Money does play a factor because  
6 the quality of people you hire. You got people that  
7 care about the job.

8 If you pay these people ten bucks, they can  
9 get ten dollars' pay anywhere. But when you're  
10 making 20, you think about it, about your job real  
11 good, plus being persecuted.

12 But definitely what made the change in the  
13 Department of Corrections is the director. I'm not  
14 going to take what she deserve it. And the fact  
15 that she listens to the officers. She meet with  
16 them monthly and listen from the line staff what's  
17 happening in those institutions.

18 Some of the institutions have 5,000  
19 inmates. And let me tell you, the wardens not  
20 always said the truth because their jobs on the  
21 line. So they always try to omit information.

22 But the officer got nothing to lose. He'll  
23 say, hey, I just want you to know that we report  
24 this case five months ago and nothing is happening.

25 So the director, let me tell you, she acts

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1 immediately, I mean swiftly. You can hear it  
2 happening as she's speaking.

3 So definitely the relation between the  
4 labor group and the director and the education that  
5 she has in the Department of Corrections changed  
6 how -- the way we think.

7 MR. MICHAEL BERANBAUM: If you don't mind,  
8 I would like to just add.

9 First off, I can't say that we don't have  
10 that relationship. We don't have that kind of  
11 culture in the Washington State Department of  
12 Corrections that you're describing.

13 I mean, I read about it in many of the  
14 studies that were attached to the Commission's Web  
15 site. I mean, I read through a lot of that to get a  
16 better understanding of what was going on just  
17 outside of my scope of work.

18 COMMISSIONER FELLNER: Uh-huh.

19 MR. MICHAEL BERANBAUM: We don't have that  
20 environment. When -- the environment of not raising  
21 or inmates not being willing to talk to staff. And  
22 when staff are confronted with these situations, the  
23 staff don't sit back and say, hey, man, so bad, so  
24 sad. They deal with it. They bring it forward.  
25 They bring it to the proper channels.

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1           My concern is that I think, as Mr. Muniz  
2   said, you have to have a commitment from the top.  
3   And that commitment has to fall all the way down at  
4   every level of management within that -- the prison  
5   system.

6           And because, again, I think that there  
7   needs to be that level of joint training between the  
8   people who get the initial complaint, who are  
9   trained and taught properly how to get that  
10   information when it's brought to them or when they  
11   are concerned it might have occurred, and then know  
12   how to pass that information on to people who are  
13   properly trained to investigate it and not blunder  
14   the investigation. And then also work hand in hand  
15   with the people who then have to prosecute.

16           I mean that, I don't believe, happens at  
17   this point. I mean, clearly in the case we just had  
18   in Snohomish County, the prosecutor laid that out as  
19   his concern, that it just -- they don't have that  
20   ability to work together.

21           And it may be that our state's prison  
22   system didn't start out as a department of prisons.  
23   It started out as part of our, kind of, social and  
24   health services department in the state of  
25   Washington.

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1           But we've done a good job to try and get  
2 our staff -- and I believe they do have a good,  
3 firm, fair, consistent relationship with their  
4 inmates.

5           The problem is that, as we've heard in some  
6 of the other testimony, inmates are pressured for  
7 many different reasons into this happening. And  
8 many times by the time they bring it forward, it's  
9 happened a long time ago.

10           And that's why I honestly believe that the  
11 level of training that people are provided who work  
12 in these institutions needs to be more than just a  
13 minimum required to meet what you guys lay out as  
14 your -- as your standard. It has to be above and  
15 beyond.

16           And I think pay is an important part.  
17 Because, as Mr. Muniz said, you know, right now at  
18 the state of Washington, part of why we got the  
19 state to agree to increase wages up to as much as  
20 18.2 percent on day one of the next contract is  
21 because they were hiring a lot of people.

22           They were putting them into the training  
23 academy and spending a lot of money to train them in  
24 that six-week academy. And they would go there and  
25 they'd be there a month. They'd be there two

0314

1 months. And maybe they would go work for the  
2 county, who was paying more, or they would go to  
3 some other job.

4 But the problem is you need staff that are  
5 committed to their jobs, who are long-term and  
6 really see this as a career and not just a stepping  
7 stone to becoming a federal officer or going to  
8 become a psychiatrist somewhere but actually see  
9 this as a career.

10 COMMISSIONER FELLNER: Thank you.

11 CHAIRMAN WALTON: Commissioner Aiken?

12 COMMISSIONER AIKEN: Yes.

13 And I'm familiar with both systems, but for  
14 the sake of time, I'm going to kind of concentrate a  
15 little bit on Arizona.

16 Do you mind sharing with the Commission the  
17 do not house with program in relationship to keeping  
18 inmates separated and how that works within your  
19 system, as well as to talk about the classification  
20 system that was developed, I think, December of  
21 2005?

22 MR. TIXOC MUNIZ: Just finalized, yes.  
23 It's going -- I believe at the end of this month it  
24 becomes in effect will be automatic system --

25 COMMISSIONER AIKEN: Right.

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1           MR. TIXOC MUNIZ:  -- which was supposed to  
2 be nationwide the best.

3           COMMISSIONER AIKEN:  That is correct.  It  
4 is completely automated.

5           MR. TIXOC MUNIZ:  Yes.

6           I will tell you that the way Arizona -- we  
7 do the classification is, like I just mentioned  
8 before, is due to the race, type of crime you  
9 committed.  Of course, if you are ex-law  
10 enforcement, former law enforcement, or you're  
11 involved in any crime that's actually committed for  
12 minor or adult, of course, we don't house you with  
13 this type in a normal yard.  We will put you right  
14 away in protective custody immediately.  And then  
15 we'll find you -- a better place for you  
16 immediately.

17           We got a system, as you come into our  
18 system for the county, we know immediately who you  
19 are.  We know where we're going to put you already.  
20 We are looking for a place for you and we'll find it  
21 and we'll try to send you to the best place.

22           We actually got a complex, which is Lewis,  
23 5,000 inmates, with one place alone, which is a  
24 single cell is for people with that kind of  
25 problems, you know.

0316

1           So, you know, they were by themselves.

2 Nobody bothering them. The control we have is  
3 unbelievable. Cameras, a hundred percent. Two  
4 people always on the floor. You know, officer will  
5 be walking to make sure there's nothing happening.

6           You know, if you observe any behavior that  
7 is inappropriate or if you observe that something is  
8 not going right between both cellmates, you  
9 immediately pull one.

10           You say, like, hey, you want to talk to me?  
11 And you close the door.

12           And then they'll say what is going on.

13           He said something that I want to reiterate.

14           Is the fact that if your leadership and the  
15 people second in command and the wardens are not  
16 willing to help with this, it's almost impossible to  
17 do it.

18           We can say ourselves we're lucky having the  
19 director. That's why the work get done so well.  
20 She's an excellent woman, excellent director. She  
21 listens very, very well what you got to say.

22           And we have been successful in the state of  
23 Arizona. I can tell you, outside of meeting this  
24 Monday with correctional officers and -- I never see  
25 people so happy that things are happening in the

0317

1 state.

2 COMMISSIONER AIKEN: And that leads to the  
3 issue. And I don't want to sound like an advocate  
4 here. You've said the word at least three times.

5 MR. TIXOC MUNIZ: Yes.

6 COMMISSIONER AIKEN: "Listen," "listen,"  
7 "listen."

8 MR. TIXOC MUNIZ: Yes.

9 COMMISSIONER AIKEN: Take action, take  
10 action, take action.

11 Be responsive. And you don't have to fill  
12 out a purchase order to get that done. And you  
13 don't have to go to the legislature for  
14 appropriations to get that done.

15 MR. TIXOC MUNIZ: Not at all.

16 COMMISSIONER AIKEN: And number two is that  
17 the relationship from -- you're only as good as  
18 who's running the cellblock on the third shift. Am  
19 I right or wrong?

20 MR. TIXOC MUNIZ: Agree. Agree.

21 COMMISSIONER AIKEN: Okay. And when you  
22 have that relationship from the top to the bottom  
23 and bottom to the top, it works. But when you don't  
24 have that, you can train all day and all night and  
25 you won't get results. Is that appropriate?

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1           MR. TIXOC MUNIZ: Yes. I totally agree  
2 with you.

3           You know, one thing that we experienced in  
4 the last four years is the policy used to be wrote  
5 by the people that used to run the department.

6           Four years ago things changed in Arizona.  
7 We write the policies and they just okay. That's  
8 the difference.

9           COMMISSIONER AIKEN: It comes from the  
10 bottom up.

11          MR. TIXOC MUNIZ: We told the director.  
12 I'm going to give you an example.

13          She'll make a policy, whatever that is. We  
14 tell her, it's not going to work.

15          Why?

16          Because of this or this.

17          And she immediately react and says, yeah,  
18 that makes sense. Not going to work.

19          So, you know, we're lucky having her as a  
20 director.

21          So to include that, the PREA, you know, the  
22 class that we're taking now, that I got the honor to  
23 be in that class a month ago -- and I'm going to  
24 tell you something that I was amazed to understand.  
25 I'm going to give you something that happened to me

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1 seven years ago.

2 I got an inmate that come and says to me  
3 that he got raped. And the lack of knowledge of  
4 what you do on that. You think you're doing a good  
5 job.

6 So I pull him out of the cell.

7 I said, well, do you want to take a shower?  
8 You want to take a shower?

9 So I just destroyed the evidence. But  
10 that's not because you mean to do it. It's just a  
11 lack of knowledge.

12 So now when you start going to class and  
13 start teaching you what to do, you are amazed at  
14 what you have been doing in the past. And you think  
15 you're doing a good job. You think you should be a  
16 commander for what you're doing.

17 So the knowledge, I mean, that brought  
18 those class, PREA, and this new director and the new  
19 philosophy -- I mean, my knowledge is unbelievable  
20 on this, and I understand how important it is.

21 COMMISSIONER AIKEN: And isn't it true --  
22 and correct me if I'm wrong, because when you get my  
23 age, you get kind of confused.

24 But that same system at one time had to  
25 have -- the director had to have body guards because

0320

1 inmates had contracts out.

2 MR. TIXOC MUNIZ: Only 12. That's it.

3 COMMISSIONER AIKEN: Only 12 bodyguards?

4 MR. TIXOC MUNIZ: Only 12 bodyguards.

5 Yes. 12 bodyguards.

6 COMMISSIONER FELLNER: That was Terry?

7 COMMISSIONER AIKEN: I don't know.

8 COMMISSIONER FELLNER: Was that Mr. Stuart?

9 MR. TIXOC MUNIZ: Yeah.

10 He would walk through the prison with

11 bodyguards. That tells you that much.

12 CHAIRMAN WALTON: Questions?

13 COMMISSIONER STRUCKMAN-JOHNSON: Just a

14 quick request for both of you.

15 You've expressed faith in your training  
16 programs and you -- in particular -- well, both of  
17 you have said in a way that you kind of -- you get  
18 the nitty-gritty details. And in your case you feel  
19 they're working -- I guess in both your cases.

20 And if we could have a copy. Do they exist  
21 in, like, your manuals or your program? Have you  
22 created them --

23 MR. TIXOC MUNIZ: I would be more than  
24 happy to send it to you. Yes. I would be more than  
25 happy to do that.

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1                   COMMISSIONER STRUCKMAN-JOHNSON: Do you  
2 feel they're successful and a good model?

3                   MR. TIXOC MUNIZ: I'll send it to you  
4 tomorrow.

5                   Yes.

6                   MR. MICHAEL BERANBAUM: I had actually  
7 asked the department to provide me the information  
8 before I came here, and they haven't provided it to  
9 me.

10                  And I'm not saying that I believe that the  
11 program they have in place is the proper training  
12 program.

13                  I'm -- really came here to talk to you more  
14 not about what's happening there now as much as I am  
15 that -- I know that -- from the discussions I had  
16 with my members in preparation for this, that the  
17 training that they're getting, they felt, was more  
18 just what needed to be in order to meet the  
19 requirements of the law and not sufficient.

20                  So what I'm saying is I think that there  
21 needs to be better training, and I think it needs to  
22 be a national standard for training.

23                  COMMISSIONER STRUCKMAN-JOHNSON: Right.  
24 Okay.

25                  And, Mr. Muniz, you have what you think is

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1 a good example?

2 MR. TIXOC MUNIZ: About 40 pages, yes. Not  
3 a problem.

4 COMMISSIONER STRUCKMAN-JOHNSON: Okay.  
5 Thank you.

6 COMMISSIONER KANEB: Mr. Beranbaum, first  
7 of all, congratulations on big improvement starting  
8 off salaries. And I'm also very pleased to hear  
9 that you feel the union is improving the  
10 administration with every passing collective  
11 bargaining agreement.

12 That's -- I'm saying that somewhat tongue  
13 in cheek, but I do believe that better paid staff is  
14 an absolutely essential building block of better run  
15 prisons. And I don't think too many people would  
16 disagree with me on that.

17 But I'm going to get to the main point I  
18 want to make. And that is we obviously have some  
19 differences about the severity of the problem, and  
20 you see it through the prison, but you should,  
21 representing your members.

22 There's going to come a time, either during  
23 the filing of our report or somewhat right after it,  
24 when the question of money is going to come up.

25 The statute admonishes us not to recommend

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1 things that are -- the wording is somewhat fuzzy,  
2 but the gist of it is don't recommend things that  
3 are going to cost a lot of money.

4 That may be a mandate to do something  
5 that's impossible if you're going to have a report  
6 that recommends really useful, important things.

7 And I believe and I trust that most of my  
8 fellow commissioners believe that we're going to  
9 need help politically to get you guys what you need  
10 to really carry out a program where prison rape,  
11 whether it's inmate-on-inmate or any other way, is a  
12 very rare occurrence.

13 So I'm not asking you to do anything at the  
14 moment except think about it. Jim Gondles is here.  
15 I'm making sure he listens to -- there will come a  
16 time when we -- we're going to need to work with you  
17 on the little issue of money. And we understand  
18 that the Federal Government is probably going to  
19 have to play a role. I don't think they know it  
20 yet, but they're probably going to have to play a  
21 role.

22 Some of us happen to believe that in  
23 addition to training, in addition to better  
24 salaries, that technology today is at a point where  
25 it can play a major role -- not so much in detecting

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1 who did what, but in deterring the behavior.

2           These systems, we believe, are going to get  
3 to be less expensive. And the more they're used,  
4 the less expensive they're going to get. They're  
5 not just some esoteric model that is designed for  
6 one system.

7           So I'm making -- I'm going to stop making  
8 this speech. But I'm just going to tell you, we  
9 will be wanting to talk to you and your colleagues  
10 in other states.

11           You should have and I believe will have an  
12 ability as part of the house of labor to organize  
13 political help. And it's going to be needed.

14           MR. MICHAEL BERANBAUM: I kind of am  
15 grateful to hear that because, to be honest with  
16 you, that's what we want. We want to be involved  
17 and have a seat at the table because I think it's  
18 the way it's going to make it successful.

19           I can't make commitments from my  
20 international union, but I can just tell you at our  
21 local level, we have a lobbyist full-time who works  
22 for us who is in Olympia every day. And I work very  
23 closely with our international union's public  
24 services division. And our international union,  
25 which has 1.5 million members, is very politically

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1 active at the federal level.

2 We have been involved with the federal  
3 level in other types of training programs and in  
4 grants, whether it be hazardous material training  
5 for construction sites. We have been involved in  
6 training for drug and alcohol. We were right on the  
7 forefront joining in with drug testing for people  
8 with commercial driver's licenses and the such.

9 We've stepped up in the past, and, you  
10 know, we believe -- none of our members, whether it  
11 be prisoner-on-prisoner or staff-on-prisoner rape,  
12 want to see it because it creates a safety concern  
13 in the institution that puts everybody's life at  
14 risk.

15 CHAIRMAN WALTON: This is something I  
16 wanted to explore briefly, and then Commissioner  
17 Fellner says she has another question.

18 You indicated that the standard of proof is  
19 just cause.

20 What does that mean? And was that a  
21 negotiated standard that was put into place in your  
22 contract?

23 MR. MICHAEL BERANBAUM: Yeah. You know,  
24 there -- I wish I could give you a simple, easy  
25 answer to exactly what just cause is. I get asked

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1 this question all the time.

2 Just -- the just cause standard is a  
3 standard applied by arbitrators. There's a basic  
4 test of seven tests of just cause that have to do  
5 with things like, you know, is there a rule, right?  
6 Is it an appropriate rule? Is there training? Is  
7 there appropriate training and knowledge of these  
8 things? Did the punishment fit the crime? There's  
9 all kinds of factors that go into that.

10 CHAIRMAN WALTON: I'm really asking, I  
11 guess, about the quantum of proof that's needed.  
12 And generally in the law there are, you know,  
13 different standards.

14 One you've got preponderance where you only  
15 have to tip the scales ever so lightly so you need  
16 51 percent to win. Then you've got clear and  
17 convincing evidence, which may mean 75 percent of  
18 the evidence. Then you've got beyond a reasonable  
19 doubt, which may mean 95 percent.

20 Within that spectrum --

21 MR. MICHAEL BERANBAUM: I would tell you  
22 that if you had to compare this to criminal  
23 proceedings, there's the difference between the  
24 standard required in a criminal case and the  
25 standard required in a civil case. And you probably

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1 would lean more towards that of a civil case.

2 CHAIRMAN WALTON: I would hope that would  
3 be the case because I would think it should be  
4 somewhere near that preponderance standard.

5 I think we would have a constitutional  
6 issue if we placed the burden on the person who was  
7 accused to prove their innocence. That's just not  
8 the American way.

9 But I do think that the standard should be  
10 a reasonable standard because I don't think you want  
11 it to be so high where it could never be proven. On  
12 the other hand, I think you do have to give people  
13 due process.

14 I know if I had a case brought before me  
15 where a decision was made that it was the accused  
16 who had to prove their innocence, I would throw that  
17 out in a heartbeat on constitutional grounds.

18 But I do think that there has to be a  
19 reasonable standard in place to make sure you can  
20 get rid of bad officers, and you don't want to have  
21 to keep them on board because you've got this  
22 overwhelming burden that has to be established.

23 MR. MICHAEL BERANBAUM: Correct.

24 And I would say that I believe that the  
25 just cause standard as applied by arbitrators

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1 functions. It works. It's appealable to the  
2 courts. And on a few occasions some groups have  
3 attempted to overturn arbitrators' decisions by  
4 going to court.

5 The reality is it -- that happens less than  
6 1 percent of the time. And so the standard is a  
7 good standard and it's a functioning standard and  
8 it's one that's used nationwide.

9 CHAIRMAN WALTON: Is that the same standard  
10 you have?

11 MR. TIXOC MUNIZ: No, we don't.

12 CHAIRMAN WALTON: What is the standard in  
13 Arizona?

14 MR. TIXOC MUNIZ: Our standard is very  
15 simple. If you make an accusation, you get removed  
16 out of the unit you have been accused. They put you  
17 in a place, a complex where you have no inmate  
18 contact. Criminal investigator come down, get their  
19 investigation, and it's got to be -- you can say  
20 there got to be no doubts in the investigation, you  
21 know, the evidence, if it was in a course, you know,  
22 the contact of course, the evidence, the clothes,  
23 the time, the witness, and all the stuff.

24 COMMISSIONER FELLNER: But it's a criminal  
25 standard --

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1 MR. TIXOC MUNIZ: It's criminal, yes.

2 CHAIRMAN WALTON: So it's beyond a  
3 reasonable doubt?

4 MR. TIXOC MUNIZ: Yes.

5 COMMISSIONER FELLNER: Do you think that's  
6 the appropriate standard? We're talking about jobs,  
7 not deprivation of liberty.

8 MR. TIXOC MUNIZ: Well, it can go both  
9 ways. It can go administrative too. Administrative  
10 is there was enough evidence or enough belief with  
11 the case that he made to terminate the job, yes.

12 And I'm going to tell you my position as a  
13 union president and that's important because he  
14 brought that up and I want you just to be clear.

15 That it's not only important to the inmates  
16 and the officers to have good officers, it's  
17 important to everybody because to protect the  
18 public. To have an officer that compromise is a  
19 danger to everybody, including the public, because  
20 when an officer is compromised, is willing to bring  
21 from weapons, phones, and sell information, like  
22 mine, to the inmates, just to keep the inmate quiet.  
23 So we don't want the people around us either.

24 So when we know an officer is doing  
25 something like that, I mean, we report it

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1 immediately ourselves.

2 COMMISSIONER FELLNER: Can I follow up and  
3 ask, if you know, in both of your cases, if an  
4 officer -- your union position, I'm asking. If an  
5 officer has reason to suspect that another officer  
6 is having sexual relations with an inmate, do you  
7 believe that officer, the one that suspects, has an  
8 obligation to go forward and tell the appropriate  
9 authorities?

10 MR. TIXOC MUNIZ: Yes.

11 COMMISSIONER FELLNER: And what do you  
12 think the sanctions should be if the officer doesn't  
13 come forward to say that he believes that  
14 something's going on?

15 MR. TIXOC MUNIZ: I'm going to tell you  
16 specific cases that I got knowledge.

17 I got a phone call, I'll say, two months  
18 ago while I was leaving the capital. And the  
19 officer says to me -- actually, it's a CO III, a  
20 Correctional Officer III.

21 He says to me that -- in -- let me tell you  
22 what is the most funny thing about this. This is  
23 two males. Both are males. So -- but anyways...

24 As he's working, a fax come in. He pick up  
25 the fax, and he don't understand the fax. He said

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1 this fax is weird. So as he started finding out,  
2 this fax is being to send to another Correctional  
3 Officer III from the outside to -- for him to be the  
4 carrier to the inmate. But, of course, he didn't  
5 get the fax. Somebody else got it.

6 Well, he called me and he is the chapter  
7 president for that place.

8 He says, what should I do? I'm the union  
9 and I'm an officer so I got a job to do too.

10 And I told him, it's very simple. Your  
11 number one thing is to protect the public. So I'm  
12 telling you right now, you must go to the warden and  
13 do a report immediately and fax everything you know.  
14 So he did.

15 And that's our number one job, to protect  
16 the public. And we always, always report  
17 misconduct, whatever that is, even as a union  
18 official.

19 COMMISSIONER FELLNER: Even sexual  
20 misconduct.

21 MR. TIXOC MUNIZ: Oh, yes. I don't want to  
22 be part of that one, believe me.

23 COMMISSIONER FELLNER: And you?

24 MR. MICHAEL BERANBAUM: Well, you asked two  
25 questions. I'll answer the first one because that's

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1 the easy one.

2 Yes. If a staff member becomes aware of  
3 it, it's their duty to report it, period. And I've  
4 counseled them to do that. Whether it be about  
5 other things, too. You find any kind of misconduct,  
6 it's your responsibility to bring it up.

7 It's also, though, your responsibility only  
8 to report what you know.

9 MR. TIXOC MUNIZ: Yes.

10 MR. MICHAEL BERANBAUM: Not what you think,  
11 not what you heard others talking about, you know.  
12 But when you give a testimony of what you know, it  
13 should be what you know.

14 And then you asked the second question --

15 COMMISSIONER FELLNER: Let me just -- can't  
16 that sometimes be used as a way to avoid -- you can  
17 say, well, I saw him leaving the broom closet and  
18 two seconds later I saw the female inmate leaving  
19 the broom closet, but I don't know what they were  
20 doing.

21 I mean, can't you --

22 MR. MICHAEL BERANBAUM: No. I'm saying if  
23 there's a reasonable suspicion that something  
24 occurred, you raise it.

25 COMMISSIONER FELLNER: Okay.

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1           MR. MICHAEL BERANBAUM: But you don't sit  
2 there and say, well, you know, these other officers  
3 were talking, and I heard these other officers  
4 talking that maybe this other guy over here -- you  
5 know, I mean, something that's thirdhand,  
6 fourth-hand; no firsthand knowledge. And it's very  
7 hard to then make that the allegation.

8           Maybe you go talk to somebody, but it's  
9 different between a charge of misconduct and going  
10 and having a conversation with your supervisor about  
11 maybe some weird stuff going on that they should be  
12 observing and watching.

13           COMMISSIONER FELLNER: Uh-huh.

14           MR. MICHAEL BERANBAUM: The second part of  
15 your question was what I thought the punishment  
16 should be for somebody who didn't report something  
17 that they saw.

18           And I guess I can't give you as easy an  
19 answer because I think you have to look at each case  
20 on a case-by-case basis. What knowledge did they  
21 have? Was there intent?

22           COMMISSIONER FELLNER: We can play lawyer  
23 with that. But one of the problems, as you know, is  
24 this code of silence. In many, many facilities, one  
25 of the reasons that sexual abuse has continued is

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1 because officers are more concerned with protecting  
2 themselves, and that's sort of the group solidarity,  
3 than being put in the position of speaking out  
4 against somebody.

5 So maybe I should phrase it this way.

6 What steps do you think either you have  
7 taken or should be taken to ensure there is not a  
8 code of silence around sexual misconduct?

9 MR. MICHAEL BERANBAUM: I would tell you  
10 that there's no guarantee that the union is going to  
11 take on a case for a member. If a member is  
12 disciplined or -- we assess that, as I said, on a  
13 case-by-case basis.

14 The union is the one who owns and controls  
15 the grievance process and the determination of  
16 whether or not there's even one filed.

17 And so we make that assessment. We don't  
18 automatically file grievances over everything. And  
19 if the facts are there, that what -- that's alleged  
20 to have occurred, occurred and the discipline that  
21 management is proposing is appropriate, then that's  
22 the way it is.

23 COMMISSIONER FELLNER: No. I'm sorry.  
24 What would you -- if you were management or in your  
25 capacity as heads of your unions, what do you think

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1 union -- should be done to make sure there is no  
2 code of silence around sexual misconduct by staff?  
3 Not just not filing grievances or whether you  
4 support it, but what other steps -- or if that's the  
5 only step that you -- the threat that you wouldn't  
6 take on the case?

7 MR. MICHAEL BERANBAUM: No. I think that  
8 it -- again, I said it earlier, and it's in my  
9 written testimony. I think you've got to train the  
10 staff early on to understand and really understand  
11 all of the things that could fall into that category  
12 of sexual misconduct.

13 COMMISSIONER FELLNER: Uh-huh.

14 MR. MICHAEL BERANBAUM: You know, you can't  
15 leave it up to each individual employee to make that  
16 determination of what is and isn't themselves. They  
17 need to be trained on what is and what isn't.

18 And I think you need to have a process in  
19 place. And you need to have a process for  
20 complaints to be raised, to know what that process  
21 is of investigating of those complaints, and how it  
22 will be adjudicated both -- if they're found to be  
23 false allegations or how they'll be adjudicated if  
24 it's found to be a true allegation.

25 And then you also need to have a trust from

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1 the top levels of the department down, that they  
2 trust that they're going to be treated fairly by  
3 their supervisors. And I think -- you know, I don't  
4 think any department is going to say we foster the  
5 desire to have what some have called the blue shield  
6 or whatever.

7           Clearly, the members in the Washington  
8 State Department of Corrections have said they don't  
9 stand for it. They don't want people around who are  
10 involved in that kind of behavior because it creates  
11 a safety problem not only for the staff, but for the  
12 inmates and for the community. And they don't want  
13 it.

14           CHAIRMAN WALTON: Commissioner Aiken, you  
15 had something?

16           COMMISSIONER AIKEN: Very quickly.

17           Would you agree that in organizations where  
18 this, quote, unquote, code of silence is existent  
19 there is a disconnect between the formal  
20 organization and the informal organization, and as a  
21 result, people are at risk?

22           And I'm not talking about inconvenienced.  
23 I'm talking about life and death risk of dealing  
24 with high-risk inmate populations and high-risk  
25 behaviors.

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1           But when this formal and informal  
2 organization comes together in a seamless fashion  
3 and there's a high level of professional trust, you  
4 treat allegations or evidence that you come about  
5 concerning sexual transgression as if it was a hole  
6 in the fence.

7           Am I right or wrong?

8           MR. TIXOC MUNIZ: Yes. In our case we do.  
9 We immediately notify a supervisor. You know, pull  
10 the man out right away. Protect custody of the  
11 inmate. Call the CAU investigator to do a criminal  
12 investigation. Hold the evidence immediately, the  
13 area.

14           Yes, it is. It's very serious.

15           COMMISSIONER AIKEN: The formal  
16 organization and the informal organization says  
17 these are the lines and if you step beyond these  
18 lines, something's going to happen to you and don't  
19 come to us. And that's in a healthy organization,  
20 right?

21           MR. TIXOC MUNIZ: Yes.

22           MR. MICHAEL BERANBAUM: I would tell you in  
23 a healthy organization, you have that level of trust  
24 and you have that mutual respect for each other.

25           But, you know, one of the things that --

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1 it's interesting and I think it's fair to point out  
2 to you that in situations -- in unionized  
3 situations, you tend to have a greater reporting of  
4 these kinds of -- of any kind of concerns of  
5 misconduct because the people who then come forward  
6 and report it don't have that same level of fear of  
7 retribution. Because they feel if there is some  
8 level of retribution that comes upon them, they have  
9 somebody to stand with them to help protect them  
10 from that.

11           And so -- I mean, clearly you're right. I  
12 mean -- and that would be our greatest goal in this  
13 country, right, would be to have that in every  
14 Department of Corrections we have a level of trust  
15 between staff and management and their  
16 representatives, if they have them, that they all  
17 can stand there and trust each other.

18           The reality of the day, unfortunately, is  
19 we're not there yet. And I think that we're not  
20 going to get there on this issue without a national  
21 standard.

22           And without -- what I heard today is once  
23 you get a standard, then you got to have an  
24 organization that can make sure that people are  
25 living to that standard and not just saying we're

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1 going to live to that standard. But who actually go  
2 out and test that standard to ensure that the  
3 parties are living to it.

4 CHAIRMAN WALTON: Okay. Thank you.

5 We have to break. They've made  
6 arrangements to have the bus here by 5 o'clock, so  
7 we're going to have to break. We were ahead of  
8 time. That's why they had it coming over early.

9 Okay. We thank you very much for your  
10 testimony.

11 Again, we may make some other request of  
12 you to provide additional information to us, and  
13 we'd appreciate if you would respond if we do that.  
14 Thank you.

15 We'll adjourn these proceedings until  
16 9 o'clock tomorrow.

17 (TIME NOTED: 4:59 p.m.)

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