

0119

1 the National Prison Rape
2 Elimination Commission has taken to
3 make it possible for me to testify
4 here today and to do so without
5 putting myself at further risk of
6 retaliation.

7 "Thank you."

8 CHAIRMAN WALTON: Thank you very much.

9 And, please, on behalf of the Commission,
10 relate to the witness that we appreciate her
11 submitting her written statement.

12 MS. CYNTHIA TOTTEN: I will. Thank you.

13 CHAIRMAN WALTON: Questions?

14 COMMISSIONER KANEB: Ms. Martinez --

15 MS. KATHERINE HALL-MARTINEZ: Yes.

16 COMMISSIONER KANEB: -- you voiced concern
17 about retaliation against prisoners who communicate
18 with your agency.

19 Knowing something of your activities and,
20 as you know, being a great admirer of your efforts,
21 I have periodically asked -- it may have been to
22 another staff person -- if, in fact, this phenomenon
23 of potential retaliation, you know, has been on your
24 mind, has surfaced before, and so on.

25 And my impressions of having made that

0120

1 inquiry more than a year ago, it didn't seem to be
2 something that was terribly problematic at that
3 time.

4 Now, things have changed or --

5 MS. KATHERINE HALL-MARTINEZ: Well, the
6 situations that we've encountered recently that were
7 not something that we encountered in the past was
8 receiving multiple communications from different
9 prisoners with different stories but that appeared
10 to be quite credible given the level of detail, et
11 cetera, from the same unit in the same prison.

12 And, of course, that disturbs us greatly
13 because of the very short time period of receiving
14 multiple communications.

15 And that isn't something that's terribly
16 common. We tend to normally receive a communication
17 here or there from -- you know, from different
18 facilities.

19 So upon receiving those and because of the
20 close time frame and because it seemed like there
21 were serious issues in the particular unit in
22 question and particular issues with staff there, you
23 know, we've really grappled with how we should
24 respond having that knowledge. And, again, the
25 proximity in time.

0121

1 And, again, we just -- we have been very
2 cautious about it because of our concern. And, you
3 know, again, have taken some small steps that we
4 thought were appropriate to the circumstances.

5 But, again, you know, it is very difficult,
6 and I think that many other, you know, legal
7 organizations that work with prisoners would confirm
8 this, similar to what we heard yesterday about those
9 that work on immigration with immigration detainees.

10 You don't know what's going to happen to
11 the prisoners because you just don't really have
12 enough access to know what could happen in a
13 couple-of-day period when, you know, you're out of
14 contact with the person, because the only way to
15 communicate is by mail, by snail mail, the regular
16 mail.

17 So we really grapple with that. And it has
18 been, as I said, a problem that just within the
19 last, I would say, six months or so we've received,
20 again, multiple communications from the same prison,
21 the same unit.

22 And, you know, we just have to look at the
23 different kinds of responses. And, unfortunately,
24 in one instance we have reached out to the most
25 senior leadership in the state, and we've heard back

0122

1 from the prisoners about retaliation being taken
2 against them.

3 So, you know, it puts us in a difficult
4 situation because we want to do what we can, but at
5 the same time we have to be very, very careful about
6 having any kind of a negative impact on the
7 individual concerned.

8 We do try to think -- you know, we try to
9 look into possibilities of getting organizations
10 involved that are proximate to the prison in
11 question, but there aren't a lot of those. There's,
12 you know, very, very few and -- depending on the
13 prison and on the state involved.

14 COMMISSIONER KANEB: This is one particular
15 prison that we're talking about.

16 MS. KATHERINE HALL-MARTINEZ: Well, yes. I
17 mean, this has happened a couple of different times.
18 So it involves two different prisons in two
19 different states.

20 COMMISSIONER KANEB: Thank you.

21 COMMISSIONER STRUCKMAN-JOHNSON: Thank you,
22 Ms. Martinez and Ms. Totten, for your work at SPR.
23 We greatly admire it and thank you for all the help
24 you offer on the inmates' side and I think perhaps
25 to all sides and the advice you can give.

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1 I'm interested in perhaps just some ideas
2 on -- for staff training.

3 What do you think you would -- could you
4 recommend something in particular to help staff flag
5 or see an inmate in trouble? And perhaps including
6 gay, male gay prisoners too.

7 Is there anything here -- we've got people
8 here. You know, all of us could benefit.

9 Do you have anything to offer?

10 MS. KATHERINE HALL-MARTINEZ: In terms of
11 recognizing signs of --

12 COMMISSIONER STRUCKMAN-JOHNSON: Right.
13 That could be put into a training program to let
14 officers perhaps take action when they see
15 something, kind of for prevention or something
16 ongoing that perhaps they don't recognize as
17 coercion that perhaps they may see as consensual.

18 MS. KATHERINE HALL-MARTINEZ: Well, I
19 think, you know, that even some of the examples we
20 were talking about earlier this morning in the other
21 testimony illustrate one of the biggest issues,
22 which is just simply the need to question some of
23 the housing assignments that may be problematic in
24 terms of an inmate who is at risk and an inmate who
25 may be predatory and how common that, unfortunately,

0124

1 still seems to be. And I think it should be part of
2 training, to help identify those problematic
3 situations.

4 And I think as Commissioner Fellner and all
5 of you were talking about, it's very important that
6 it not just be accepted, that, you know, inmates
7 that, you know, who may be gay or may be weaker
8 physically, et cetera, are put into more -- a
9 subservient position and for the staff to assume
10 that that's benign, because it seldom is. And
11 that's certainly our experience as well.

12 So I think raising those kinds of scenarios
13 in training is important. And then for there to be
14 a process for corrections -- corrections officers to
15 be able to address that, you know, in a more
16 proactive way.

17 You know, again, even when there's not a
18 clear indication, for example, that they've actually
19 observed sexual violence, or whatever the case may
20 be, but that they can be more preventive in that
21 approach.

22 MS. CYNTHIA TOTTON: And I would just add
23 to that that complaints need to be taken seriously.
24 I mean, we have received, I would say fairly
25 recently, a number of communications from gay

0125

1 inmates who actually were courageous enough to make
2 a complaint and were told that this is something
3 that was consensual. This was something that you
4 wanted.

5 And the response is that their complaint is
6 not taken seriously, even in the rare case --

7 COMMISSIONER STRUCKMAN-JOHNSON: Because
8 they're gay.

9 MS. CYNTHIA TOTTEN: Right.

10 COMMISSIONER STRUCKMAN-JOHNSON: Assumed
11 consensual nature.

12 MS. CYNTHIA TOTTEN: Exactly.

13 MS. KATHERINE HALL-MARTINEZ: So I think,
14 again, even just that training about how -- I mean,
15 we also have some excellent documents aimed at
16 inmates but could certainly be adapted for
17 corrections staff training for recognizing signs of
18 sexual violence and the impact on a victim. Or even
19 when someone's feeling threatened by it, you can
20 observe certain forms of trauma.

21 And I think that that -- you know, again,
22 that kind of training is just very important.

23 And I think, as we heard testimony
24 yesterday -- I mean, you know, a corrections staff
25 person may have the very best intentions in reacting

0126

1 to an inmate coming forward, but his or her
2 automatic response is -- may just be very poorly
3 informed and may make the situation worse, you know,
4 by telling the person, oh, you know, just suck it
5 up, or, oh, well, gosh, why don't you go take a
6 shower, and then you'll feel better, that, you know,
7 both can exacerbate the trauma and/or destroy
8 evidence.

9 COMMISSIONER STRUCKMAN-JOHNSON: If you
10 have any documentation, training ideas, if you
11 haven't already, if we could see that.

12 MS. KATHERINE HALL-MARTINEZ: Yeah.

13 We also have -- another, you know, form of
14 training that we have found useful and that we have
15 been piloting here in California involves sort of a
16 sensitization aimed at corrections administrators,
17 although it certainly could be adapted to line staff
18 if we ever could have that opportunity.

19 It's not so easy to get that training time.
20 I mean, that's a major, major challenge in many
21 states, is the limited time there is for training of
22 line staff.

23 For administrators, however, we have been
24 able to train them on just some of the basic
25 principles about their obligations under the law,

0127

1 including from, sort of, concepts of human rights,
2 all the way down to, sort of, what it is that PREA
3 requires and trying to make those different
4 connections for them in a more perhaps, you know,
5 systematic way than they've heard.

6 And we found it to be very effective. And
7 we would certainly be glad to share that curriculum
8 with the Commission if that would be useful.

9 COMMISSIONER STRUCKMAN-JOHNSON: Thank you.

10 CHAIRMAN WALTON: Thank you for your
11 testimony. We appreciate it and all your other
12 assistance you've provided to the Commission.

13 MS. KATHERINE HALL-MARTINEZ: Thank you.

14 MS. CYNTHIA TOTTEN: Thank you.

15 CHAIRMAN WALTON: Okay. At this time we
16 will have the testimony of Mr. Joseph Gunn, who is
17 the former executive director of the California
18 Corrections Review Panel, otherwise known as the
19 Deukmejian Commission.

20 MR. JOSEPH GUNN: Morning, sir.

21 CHAIRMAN WALTON: Morning. How are you?

22 MR. JOSEPH GUNN: Fine, thank you.

23 CHAIRMAN WALTON: Do you solemnly swear or
24 affirm that the testimony you will provide to this
25 Commission today will be the truth, the whole truth,