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1 understands those unique elements of conducting
2 these investigations. They're far more effective, I
3 believe, than they would be from some police agency
4 coming outside the institution and doing the
5 investigations.

6 So, again, I think that we have the right
7 answer as far as having our own investigators
8 conduct these criminal investigations of
9 inmate-on-inmate crime. It's just that there needs
10 to be some standards in training. They need to be
11 retained. There needs to be some sort of career
12 progression to ensure that we retain the kind of
13 folks that are good at doing these types of
14 investigations. I think you would get an even
15 better work product than you get now.

16 Thank you.

17 CHAIRMAN WALTON: So as I understand, the
18 correctional officers are still on duty, involved in
19 that case.

20 MR. JOHN HARRISON: Yes.

21 CHAIRMAN WALTON: And there was an
22 administrative proceeding that was pursued but it
23 was not successful in having them removed?

24 MR. JOHN HARRISON: There was a civil.
25 There was no administrative proceeding because the

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1 statute had run on any sort of administrative
2 discipline in this case. And we could not toll it.

3 So there was no administrative discipline
4 in this matter because of the large gap in time
5 between the bad act and the investigation, and we
6 weren't able to toll it.

7 So there was a criminal case and there was
8 a subsequent civil case and the defendants prevailed
9 in both.

10 CHAIRMAN WALTON: Just one remark,
11 Mr. Meyers, in reference to your statement about
12 money.

13 It's true that the legislation does say
14 that we cannot make recommendations that would have
15 a significant financial impact, but that doesn't say
16 we can't in our report indicate that these are
17 issues that, you know, need to be addressed if
18 you're going to resolve the problem.

19 So we're not going to shy away if we feel
20 that money is, in fact, needed to address these
21 problems. We're not going to shy away from
22 indicating that in our report. We can't, obviously,
23 make recommendations, but we can report what we
24 find. And if money's needed, we're going to say
25 that.

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1 What's -- you mentioned -- is it -- in all
2 of your systems as relates to the administrative
3 procedures, is it just cause, the language, as to
4 what's needed in order to establish a claim against
5 a correctional officer?

6 MR. WAYNE MEYERS: Yes, sir. I'm going to
7 give you a copy of our collective bargaining
8 agreement. We have a just cause standard.

9 CHAIRMAN WALTON: What's that mean?

10 MR. WAYNE MEYERS: It's a seven-question
11 test for just cause, and it says, was there a rule?
12 Was the person informed about the rule? Was the
13 rule reasonable? Was there an investigation done?
14 Was the investigation fair? And was this person
15 treated differently than other people who had
16 committed the same offense? And I forget what the
17 seventh one is.

18 But it's a just cause standard that
19 arbitrators use, and I know the Teamsters use it.

20 And that's what we are up against at
21 arbitration.

22 CHAIRMAN WALTON: Is there some quantum of
23 proof that that standard encompasses, whether it's
24 51 percent of the evidence or whatever?

25 MR. WAYNE MEYERS: It's -- my experience is

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1 it's a preponderance. 51 percent is the standard on
2 it.

3 And I would tell you that if I take a look
4 at the arbitration cases, the only arbitration cases
5 that we usually go forward on in my state are
6 dismissals. And we bat about 60 percent on wins on
7 the dismissals. And those -- none of those
8 dismissals that I have done have been for sexual
9 misconduct.

10 The union has the option -- we own the
11 grievance. We have the option to go forward or not
12 go forward.

13 And I would tell you that one of the locals
14 that I represent votes on every grievance. And if
15 they think that the grievance crime was committed
16 and it's not worthy of going forward, then they vote
17 not to go forward with it. I have never went to
18 arbitration on a sexual assault grievance, ever.

19 CHAIRMAN WALTON: Commissioner Kaneb?

20 COMMISSIONER KANEB: Gentlemen, thank you
21 all for coming.

22 It's a stark contrast here with two
23 witnesses defending the employees that they
24 represent against what they feel are unjust -- often
25 unjust or unreasonable accusations, but all they're

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1 talking about is staff-on-inmate crime. And here we
2 have the other major problem and maybe the bigger
3 problem, and that is inmate-on-inmate crime and
4 staff indifference or staff lack of attention.

5 Speaking for myself -- and I don't think I
6 am atypical here -- we think that while
7 staff-on-inmate crime is terrible, awful, et cetera,
8 et cetera, we do believe, as you state, that the
9 vast majority, the huge majority of corrections
10 officers do not engage in this sort of activity.

11 And so I'm going to confine my dialogue
12 with you really to the matter of how can we, if not
13 eliminate, how can we greatly reduce
14 inmate-on-inmate assault in the prisons?

15 Mr. Harrison has cited a notorious case.
16 Maybe it's more notorious and certainly more lurid
17 than other things you hear.

18 Based on research, based on other hearings
19 we've conducted, we believe that, unfortunately,
20 quite a lot -- and I think that's a very comparative
21 term -- of inmate-on-inmate violence occurs.

22 My colleague to my right, Professor
23 Struckman-Johnson, has just completed some very
24 interesting research herself on this matter. And
25 she can talk about it or not as she chooses; I'm not

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1 going to.

2 But to Mr. Meyers, Mr. Aldes, let's leave,
3 at least from my point of view, the matter of staff
4 assault on inmates, the matter of false accusations
5 against staff, which I fully believe occurs, and if
6 you care to tell us more about do you think -- and I
7 know you're representing your guys, but do you think
8 there's a problem for whatever reason or reasons
9 with officers ignoring, failing to report, turning a
10 blind eye, any of these phrases you want, to
11 inmate-on-inmate sexual abuse?

12 And if you think that is the case -- or
13 that may be the case, what we would like to know is
14 what can we put into our recommendations and
15 standards that will help your officers report what
16 they see, unburden them from having to worry about,
17 am I getting involved in something that I really
18 don't want to get involved in? I don't like what's
19 happening, but, on the other hand, I'm wading into a
20 swamp here. There may be alligators there. I think
21 I'll just ignore it.

22 We're hoping to unburden officers from
23 those concerns.

24 Mr. Harrison, I thank you for coming. I
25 know you didn't come of your own volition, and

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1 that's understandable, but we wanted to hear from
2 you. We appreciate your candor. We note your
3 confidence in the vast majority of California
4 correction officers and thank you particularly.

5 MR. JOHN HARRISON: Thank you.

6 MR. WAYNE MEYERS: Sir, you know, in my
7 comments and in my testimony I talk of a number of
8 things that we can do on inmate-inmate stuff.

9 I think that the classification process, as
10 I talked about, profiling them when they come
11 through the door that we know, that is one of the
12 best things we can do.

13 I would tell you that I don't think -- I've
14 never seen as an officer where we cover up or
15 anybody -- I never seen another officer cover up
16 inmate-inmate.

17 For years in the prison system where I
18 worked, you know, the word was always, snitches get
19 stitches. You know, that's the way we operate. And
20 inmates knew that. They didn't talk. It's not like
21 that right now.

22 Inmates are so quick to tell everything.
23 If there's a sexual predator in the housing unit,
24 specifically a dormitory, they want that sexual
25 predator out of there. One of the inmates will

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1 snitch him out if we don't know what's going on.

2 COMMISSIONER KANEB: Excuse me. I have no
3 doubt they do want them out of there or certainly
4 victims want them out of there, and I'm pleased to
5 hear that what you're suggesting is in the state of
6 Connecticut, anyway, you believe that a new
7 atmosphere prevails where victims feel free to
8 complain publicly.

9 I must say I am not convinced that that
10 situation pertains in all the prison systems in the
11 United States.

12 MR. WAYNE MEYERS: I can't speak for those.

13 COMMISSIONER KANEB: All right. I fear
14 that fear of retaliation, fear of being ignored, et
15 cetera, et cetera, is still a factor in abetting the
16 concealment of this crime. And if not in
17 Connecticut, elsewhere.

18 MR. WAYNE MEYERS: Let me just tell you one
19 other thing that we've done that I think -- and I
20 talked to one of the commissioners last night about
21 it.

22 Years ago when an inmate came forward and
23 said he'd been raped, what would happen to that
24 inmate is we'd box him right away. We'd put him
25 into administrative segregation until we conducted