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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,

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1 and nothing but the truth, so help you God?

2 MR. JOSEPH GUNN: I do.

3 CHAIRMAN WALTON: Okay. Thank you.

4 If you could please just give us an
5 overview of why the Commission was created, what it
6 did, and what it found.

7 MR. JOSEPH GUNN: The Commission was
8 appointed by Governor Schwarzenegger with Governor
9 Deukmejian as the chair and myself as executive
10 director to actually look at the entire California
11 corrections system: organization, code of silence,
12 personnel, training, computers, sentencing.

13 We ran the gamut of everything, and we
14 wound up reviewing over 400 documents and making
15 over 400 interviews. And we issued a report to the
16 Governor's office with 239 specific recommendations
17 to better a system that, in our words, were in total
18 chaos.

19 CHAIRMAN WALTON: When was that submitted
20 to the --

21 MR. JOSEPH GUNN: That was in 2004.
22 July 1st of 2004 is when our report was submitted.

23 And I want to thank you for inviting me to
24 appear today and giving me the opportunity to share
25 some of my thoughts.

1 Any discussion in California relative to
2 the elimination of rape in our prison cannot begin
3 without going to the root cause of the problems, and
4 that is prison overcrowding. This is not a new
5 problem, but one that has been festering for years.
6 We mentioned it in our report several years ago.

7 We strongly made the point that no reform
8 could take place in prison without a reduction in
9 the prison population.

10 Today, California's correction system is in
11 total chaos. Inmates are living in gymnasiums and
12 game rooms, in bunks stacked three high where the
13 environment is so dangerous that on occasion even
14 prison guards do not enter the site.

15 This volatile setting is so severe that
16 most honest prison officials in California will tell
17 you that it is not a question as to whether a riot
18 will occur, but only when it will occur.

19 How, then, do we reduce this prison
20 population? In our panel's view there was only one
21 logical way. We must revise the sentencing laws in
22 California from the determinant sentence that it has
23 now where prisoners are given a fixed sentence,
24 there's no rehabilitation, there's no counseling,
25 there's no education, there's no vocational skills.

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1 They know when they're going to get out, and,
2 therefore, they have no incentive to change their
3 behavior.

4 We recommended going to what we call the
5 presumptive sentence where -- which is almost like
6 the old indeterminate sentence -- where a prisoner
7 is given a range, and then he's met at the prison by
8 the wardens and social counselors who say, okay,
9 here's the deal. If you achieve your high school
10 education, if you successfully complete narcotics or
11 alcohol rehabilitation, if you behave, if you want
12 to take vocational training and you successfully
13 complete it, we will release you out at an earlier
14 date.

15 We believe that almost 60 percent of the
16 population would qualify under these guidelines.
17 We're not talking about murderers and rapists and
18 we're not talking about even third strikes, but it
19 doesn't stop there. Then there must be a smooth
20 transition for these prisoners back into society.

21 Currently, today, the parole officers are
22 more enforcement-oriented. We think that they ought
23 to redirect their attention to high-risk parolees,
24 which is not the majority of parolees out there.

25 Parole officers must be retrained so that

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1 they can assist other parolees through housing,
2 through occupation, through medical care, to make
3 that smooth transition back into society.

4 We have to train more teachers, counselors,
5 provide more vocational programs so we can break the
6 cycle of recidivism, which right now is about 70
7 percent in California prisons.

8 However, this entails a long-range plan and
9 the expenditure of up-front funding. There has been
10 no will to accomplish this goal from either the
11 legislature or the executive branch.

12 Rather, the only solution in California
13 that is offered is to build more prisons, which will
14 do nothing to stem the increase in prison population
15 and the high recidivism rate.

16 Even if the sentencing laws are revised,
17 nothing will be accomplished without the willing
18 participation of capable administrators and
19 competent staff. Sadly, the Department of
20 Corrections and Rehabilitation in California is
21 lacking in both.

22 Power is centralized in the upper echelon
23 of the department, and there is little, if any,
24 programs to develop management employees.

25 Instead of establishing a clear ladder for

1 promotion for those who exhibit management skills,
2 promotion still depends on political connections.

3 Training is almost nonexistent and cannot
4 be implemented without the union's consent.

5 You know, it's interesting because the
6 majority of prison employees are honest and
7 hard-working individuals, but they are trapped in a
8 dysfunctional organization.

9 There is no computer system in place to
10 track at-risk employees. There is no way the
11 secretary of corrections on a day-to-day basis could
12 tell which prison is doing a good job, which prison
13 is doing a bad job, which employees have had the
14 complaints in the past. On a technological
15 standpoint, they are far below average within the
16 system.

17 Even when they do discipline an employee,
18 the prisoner, with the backing of the union, appeals
19 to a State Personnel Board, which is totally
20 separate from the department. In the majority of
21 cases that are appealed to this board, they overturn
22 management's recommendations for discipline, and all
23 that does is weaken management's authority and also
24 enhance the code of silence.

25 There has always been a delicate balance

1 between management's right to lead and the union's
2 right to fairly represent their members. The
3 pendulum has swung too far to the union's side.

4 Through executive and legislative action,
5 management's power has been diluted. Today, the
6 union makes 70 percent of the assignments for its
7 members, not management. When it comes to overtime,
8 the union dictates who works overtime, thereby
9 rewarding not the best employee, but the ones who
10 are most senior.

11 The union also controls victim rights
12 organizations through its funding mechanism and
13 utilizes these well-meaning organizations to attack
14 any lawmaker who tries to change the sentencing
15 structure of the State.

16 Far too many legislators in California have
17 not displayed the courage to do what is in the best
18 interest of the State by facing up to this attack.

19 The main reorganization recommendation that
20 our panel made was that there should be established
21 an independent civilian commission to be the head of
22 corrections, which would serve as a buffer between
23 the political end on the executive and legislative
24 branches and also from the department. As with most
25 of our proposals, this was not implemented.

1 The elimination of rape and other assaults
2 in prisons is a truly worthy goal. I'm sorry I'm so
3 pessimistic about its elimination in California and
4 in our prisons, but realistically, our system is in
5 total chaos, and I see no programs being offered to
6 eliminate this problem.

7 CHAIRMAN WALTON: So since the report was
8 issued, you're saying that virtually nothing has
9 been done?

10 MR. JOSEPH GUNN: They did a cosmetic
11 reorganization a year after our report, which still
12 didn't touch on a risk management unit. It didn't
13 touch on a chief fiscal operations officer. There
14 still is none, although they have a \$7 billion
15 budget.

16 Planning and research is almost
17 nonexistent. There's no development of capable
18 administrators to come up through the ranks. A
19 warden is a dead-end job. If you're a warden,
20 you're a warden, unless you have a political
21 connection to become an undersecretary or the deputy
22 secretaries.

23 Very little of our recommendations have
24 been accepted.

25 CHAIRMAN WALTON: And is it your view that

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1 that's the product of a lack of money or a lack of
2 political will?

3 MR. JOSEPH GUNN: I think it's a
4 combination of both, sir. I think -- you know with
5 term limits, it's very interesting. Because in
6 order to solve this problem, you're going to have to
7 put a lot of money up front, by the hiring of new
8 staff, new training. But in the long run you will
9 save money because you will cut down recidivism at
10 the back end.

11 But with term limits you have very few
12 legislators who are willing to talk about long-range
13 planning. They only want to talk about short-range
14 planning. At the same time one can never
15 underestimate the power of the union in California
16 and their impact on legislators.

17 Any attempt to what, in their view, is --
18 weaken the laws will -- they will unleash, through
19 their victim's rights groups, a political attack on
20 that legislator, and most legislators are not going
21 to do that.

22 CHAIRMAN WALTON: Do you think the union's
23 position is the product of a sincere concern about
24 public safety, or is it the product of
25 self-interest?

1 MR. JOSEPH GUNN: You know, I have no
2 problem, sir, with the unions. I think unions do
3 what unions do. They're out to get the best deal
4 for their employees.

5 My problem is, is with the legislature and
6 the executive branches in California who have
7 allowed them to exceed their powers and to infringe
8 on the powers of management.

9 CHAIRMAN WALTON: Questions?

10 COMMISSIONER KANEB: You, I believe, were
11 in the room when Mr. Harrison testified?

12 MR. JOSEPH GUNN: I don't know who
13 Mr. Harrison is, sir. I came in at the end of a
14 panel that was here.

15 COMMISSIONER KANEB: Okay. Well, then, let
16 me tell you.

17 Mr. Harrison is now out of the main line of
18 prison administration, was previously in Internal
19 Affairs and was very much involved in the so-called
20 "Booty Bandit" matter, which you must know a lot
21 about.

22 MR. JOSEPH GUNN: I've heard about it, but
23 I'm not that familiar with it.

24 COMMISSIONER KANEB: Well, I will simply
25 say that it's his opinion that despite what the past