

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

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1 has been, that, in fact, improvement has taken place  
2 and is taking place in respect to paying attention  
3 to prison rape as a major issue.

4           And, in fact, he believes that officers --  
5 that is, prison guards -- are now much more  
6 sensitized to their responsibility in helping to  
7 prevent violent sex in prisons or forced sex in  
8 prisons and infers from that that things are getting  
9 better. Although he agrees he's been out of the  
10 main, let's say, line approach to what's going on  
11 there, but that's what he believes is the case.

12           Do you have any opinion about that?

13           MR. JOSEPH GUNN: You know, I must tell you  
14 that our panel did not look at specific individual  
15 cases, but concentrated mostly on broad policy and  
16 organizational problems.

17           I do know in the area of discipline, they  
18 did accept one of our recommendations, which was to  
19 combine the Internal Affairs. They had a separate  
20 Internal Affairs unit for the youth authority and a  
21 separate one for the adults. They did combine it.

22           But there are other portions of the  
23 disciplinary procedure that have not been changed,  
24 such as if a complaint is made against a  
25 correctional officer, the administration must show

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1 the complaint and the entire evidence against the  
2 officer before they can interview that officer.

3 Well, to us it seemed ludicrous. You know,  
4 you've got somebody who has made a complaint, and  
5 now before they even get to talk to him, the  
6 officer's going to be fully knowledgeable of what  
7 the complaint is.

8 So I can't comment specifically on whether  
9 it has been improved on how they're working rape or  
10 not. I can only tell you that on an organizational  
11 level, we think most of the improvements have been  
12 cosmetic, if any.

13 COMMISSIONER KANEB: You then probably  
14 wouldn't get down to this level of detail.

15 He feels very strongly that there is a need  
16 for some degree, if not permanence, but some degree  
17 of continuity among investigators and Internal  
18 Affairs so that people with experience are retained  
19 in line positions on the job for significant periods  
20 of time, or as he -- it is his belief that there is  
21 a rapid rotation through Internal Affairs  
22 investigators. People move on, they leave the  
23 system, they get promoted, and there's sort of no  
24 institutional culture or teaching ability from  
25 veteran investigators to new investigators.

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1           Unless -- you may surprise me, but I don't  
2 think you're going to be, from what you've said,  
3 knowledgeable about that.

4           MR. JOSEPH GUNN: Well, I can tell you I'm  
5 a retired commander on the Los Angeles Police  
6 Department.

7           COMMISSIONER KANEB: Oh, okay.

8           MR. JOSEPH GUNN: And I totally agree that  
9 there has to be a level of experience and expertise  
10 in Internal Affairs.

11           I think what's important for Internal  
12 Affairs is not only to have that core group of  
13 seasoned investigators, but to also bring other  
14 correctional officers through Internal Affairs for  
15 limited tours of duty so that they can experience  
16 what management is trying to do and also to lessen  
17 the impact of this "them versus us," which seems to  
18 always happen when you have an Internal Affairs  
19 unit.

20           So I don't disagree with that gentleman's  
21 comment.

22           COMMISSIONER KANEB: Thank you.

23           COMMISSIONER STRUCKMAN-JOHNSON: Thank you  
24 very much for coming today.

25           And would you -- I just would like to hear

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1 more about your -- you said one of your major  
2 recommendations was to have an independent civilian  
3 team --

4 MR. JOSEPH GUNN: Yes.

5 COMMISSIONER STRUCKMAN-JOHNSON: -- placed  
6 at the head of corrections.

7 Could you explain what that would look  
8 like, how it would work?

9 MR. JOSEPH GUNN: It's modeled, really, a  
10 lot after what the system is on the Los Angeles  
11 Police Department, where there is a five-member  
12 civilian commission who are appointed in Los Angeles  
13 by the mayor. And they are the head of the  
14 Los Angeles Police Department. The chief of police  
15 reports to them.

16 Our suggestion for corrections was that --  
17 and we didn't even get into specifically how they  
18 should be appointed. It could be a combination of  
19 the Governor and the legislature controlling them.  
20 But they should appoint five individuals who really  
21 should be people of the -- the topnotch of society,  
22 who are willing to volunteer their work to be over  
23 corrections.

24 The secretary would report to them,  
25 although he would still hold a position in the

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1 Governor's cabinet.

2 In our way of thinking, they would become a  
3 buffer between the political and the real world.  
4 They would stand -- they would protect the secretary  
5 from political pressure from both the Governor's  
6 office and the legislator's office.

7 At the same time they would ensure that  
8 reform programs coming up from the department are  
9 implemented by the secretary.

10 But that got no reaction in Sacramento, so  
11 it never went anywhere.

12 COMMISSIONER STRUCKMAN-JOHNSON: Thank you.

13 CHAIRMAN WALTON: Well, we thank you for  
14 your presentation. Hopefully maybe a miracle will  
15 happen and things will change.

16 MR. JOSEPH GUNN: I hope so, Judge. I  
17 always say, you know, ten years from now there will  
18 be another panel with more recommendations, and I  
19 hope ours doesn't wind up like that.

20 CHAIRMAN WALTON: Okay. Thank you for your  
21 presentation.

22 MR. JOSEPH GUNN: Thank you, sir.

23 COMMISSIONER KANEB: Judge, give me a  
24 minute.

25 CHAIRMAN WALTON: Yes.

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1                   COMMISSIONER KANEB: I'm sorry. We have a  
2 little time here.

3                   CHAIRMAN WALTON: Yes.

4                   COMMISSIONER KANEB: Well, either from your  
5 own very substantial experience as a senior officer  
6 in the Los Angeles Police Department or LAPD, as I  
7 have learned it is called, or on the Commission, do  
8 you -- did you get into or do you have an opinion  
9 about whether or not technology in terms of  
10 surveillance cameras, RFID bracelets, or other  
11 electronic and visual means of tracking who's where  
12 or who did what, who's with whom, et cetera, et  
13 cetera, and when they're in those locations -- do  
14 you think that a major investment by, say, the whole  
15 prison industry -- leave out the funding. That's a  
16 whole other issue -- might be useful?

17                   MR. JOSEPH GUNN: Absolutely. The more you  
18 can use electronic equipment, the better you are,  
19 the more you can have a tracking system for  
20 officers. So you can not only reward the good  
21 officers, but punish the bad officers, or at least  
22 get a warning sign.

23                   But they can do other things. Internal  
24 Affairs, they ought to be doing sting operations.  
25 If a series of prisoners, like the previous witness

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1 testified to, are making complaints about a certain  
2 prison and a certain section about certain guards,  
3 Internal Affairs ought to go in there and do a sting  
4 operation and see if it's a true allegation.

5           You know, once you do all those things --  
6 and the main thing is also to convince the employees  
7 that you have to be professional and ethical. Once  
8 they believe that management will back them up if  
9 they are ethical and professional and not lay them  
10 out and do nothing, then you will increase the whole  
11 stature of the department.

12           But until you make that commitment,  
13 employees are going to sit back and not do anything  
14 because they have no faith that management will  
15 follow through on their complaints.

16           COMMISSIONER KANEB: Well, you have made it  
17 clear that you believe -- whether the union has too  
18 much power or not I guess is a matter of what's too  
19 much and what's enough.

20           But there's no question in your mind  
21 they're very powerful.

22           MR. JOSEPH GUNN: Very powerful.

23           COMMISSIONER KANEB: Do you think that this  
24 type of equipment would be embraced or rejected on  
25 the grounds that, you know, it's going to be used to

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1 hound officers and so on, or embraced on the grounds  
2 that it will, in fact, deter problem behavior  
3 probably before it ever happens?

4 MR. JOSEPH GUNN: They should embrace it,  
5 just like officers are now embracing cameras in the  
6 police cars. Because not only will it deter bad  
7 behavior, but it will also disprove false  
8 allegations. That if an inmate says that a guard  
9 has assaulted them and the camera shows that nothing  
10 took place, the officer should embrace that evidence  
11 as removing that blemish from their record.

12 COMMISSIONER KANEB: Right. Thank you.

13 CHAIRMAN WALTON: Let me just ask one  
14 question also.

15 Did you make any recommendations about how  
16 administrative proceedings for discipline should be  
17 handled?

18 MR. JOSEPH GUNN: Yes. We recommended that  
19 it be removed from the State Personnel Board and  
20 that within Department of Corrections a panel be set  
21 up based on the senior members of corrections. And  
22 you could even include an outside civilian pool to  
23 be part of that panel, where an officer who receives  
24 beyond the certain, whatever you want to set it,  
25 30-day suspension or whatever, could appeal to that

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1 panel and then have what they call a board of  
2 rights, where that panel would then sit down and  
3 make a judgment as to the guilt or not guilt and  
4 exercise their authority.

5 But it's important to keep it within the  
6 department because the State Personnel Board has no  
7 knowledge of what's going on in the prison.

8 What normally happens that we found out in  
9 our investigation is the corrections department  
10 sends over a representative to the hearing who is a  
11 staff member with no legal training. The union  
12 sends over the officer with some of the most  
13 high-powered attorneys in town.

14 They overwhelm this corrections officer who  
15 is presenting their case, and in the majority of  
16 cases, the State Personnel Board throws out the  
17 management's decision.

18 CHAIRMAN WALTON: Okay.

19 Well, thank you.

20 MR. JOSEPH GUNN: Thank you, sir.

21 CHAIRMAN WALTON: Appreciate it.

22 Okay. We are finished now with our last  
23 panel for the morning. And we'll reconvene at 1:45  
24 for our last panel. Thank you.

25 (Recess taken from 11:49 a.m. to