

0175

1           Now I'm going to let my colleague,  
2 Mr. Ortiz, who actually is a local president over a  
3 federal complex which has three or four different  
4 security level of inmates there, go into that much  
5 further.

6           But with the decreasing in staffing that's  
7 going on because we're not being properly budgeted  
8 and we're being underfunded somewhere between 3- and  
9 500 million a year, although our budget for the  
10 Bureau of Prisons is about 4 billion a year, that is  
11 causing us to have a decrease in our staffing level.

12           It is changing our policies. It is  
13 changing the way we conduct business. And we  
14 believe it is reducing our ability to supervise  
15 these inmates, control contraband, control drugs and  
16 everything else that can go wrong inside of a  
17 prison.

18           Thank you.

19           CHAIRMAN WALTON: Thank you very much, sir.

20           Mr. Ortiz.

21           MR. ISAAC ORTIZ: Good afternoon.

22           Isaac Ortiz, local president, Beaumont,  
23 Texas.

24           As he was saying, I represent a complex  
25 that entails a United States penitentiary, medium

0176

1 security facility, low security and camp, and also  
2 has an administration building.

3 I want to read you the Federal Bureau of  
4 Prisons missions statement.

5 "It is the mission of the Federal  
6 Bureau of Prisons to protect society by  
7 confining offenders in the controlled  
8 environments of prison and community-based  
9 facilities that are safe, humane,  
10 cost-efficient, appropriately secure, and  
11 that provide work, other self-improvement  
12 opportunities to assist offenders in  
13 becoming law-abiding citizens."

14 I'm going to give you my experience and  
15 what I think is happening. I don't have a prepared  
16 speech for you. I'm very basic and to the point.

17 It's failing. The only thing they're doing  
18 is saving money. That's the bottom line.

19 Now, are we able to do our job? The answer  
20 is no. We are trying every day.

21 Now, here, as far as the prevention of  
22 rape, the truth is, it's hard to do that. It's hard  
23 to think about the fact that when we monitor the  
24 inmates coming to and from the facility that -- are  
25 they safe? Can we find out who is doing it? Do we

0177

1 find the victims? And the answer is no. The answer  
2 is no.

3 We do get -- or the inmates will say, hey,  
4 this guy just got hurt. He didn't say he was raped,  
5 but he got hurt.

6 So what do we do? We notify medical, and  
7 they come and pick him up. We don't know what  
8 happened, but we don't have the time. We don't have  
9 the staff for that.

10 Now, you have a shift lieutenant on three  
11 shifts: a morning watch, a day watch, and an  
12 evening watch. You have more custody on the evening  
13 watch. They have an officer on each floor. They  
14 cover both sides. But on day watch and morning  
15 watch, you have one officer on one floor monitoring  
16 up to 300 inmates.

17 Now, their responsibilities is to make  
18 rounds, and they count inmates. They move them when  
19 they work outside the unit, to go work in the  
20 kitchen, for example.

21 Now, when we're doing this, how much time  
22 do they have to go take the time to go rape an  
23 inmate? Well, they got plenty of time. What are we  
24 supposed to do with that?

25 Now, we're understaffed, and you've heard

0178

1 that from everybody. You've heard about the  
2 problems. We're understaffed. We don't have money.

3 But have you asked yourself, why haven't  
4 the inmates taken over the institutions? You know  
5 why? Because they're running it. Why would they  
6 want to take it when they already run it? They  
7 dictate what goes on in those prisons. Management  
8 is at the mercy of what the inmates decide to do.

9 Now, the director probably came in here and  
10 talked to you earlier how it's efficient, we're  
11 doing the best we can, we have the proper  
12 investigative measures. It's true.

13 He is investigating every inmate  
14 allegation. He is. But some of them are false  
15 allegations in order to hold up the process. The  
16 real victims are the ones that were really raped or  
17 beaten or killed.

18 Now, as he was -- as the counsel was saying  
19 that a lot of times they're not reporting this  
20 anymore. You don't have it on the Bureau of  
21 Prisons' Web site. You used to have all that.  
22 They're not reporting it. They're considered minor  
23 incidents. They don't want the taxpayers to know  
24 what's really happening.

25 Now, my experience, I was in the military

0179

1 during Desert Storm. I honorably discharged at that  
2 point. I wanted to continue my service, and I went  
3 to the Bureau of Prisons. And I continue that to be  
4 ethically and morally right. I'm an officer first,  
5 and I'm a union president after that.

6 I do believe that we are fighting a tough  
7 war out there. But ask yourself this: How come  
8 they're not running over prisons? Because the  
9 inmates are running it. That's part of the problem,  
10 that the inmates are being raped. They're also  
11 being beaten up. They're also getting killed. But  
12 it's a power struggle within the system.

13 But what can you tell the taxpayers? We  
14 want more money? And that's the problem. It's not  
15 politically correct to ask for more money.

16 What the union does, as far as a federal  
17 union -- it's not about power; it's about doing the  
18 right thing. We want the environment safe for  
19 staff. If it's safe for staff, then it's safe for  
20 inmates. That's the bottom line here. Because  
21 we're not asking to be -- and there's no civil  
22 servant that I know that's rich. So evidently we're  
23 hired and we want to be here. That's the thing  
24 about us.

25 I've heard a lot of things about the

0180

1 officers are just turning their head and allowing an  
2 officer to rape a female.

3 Well, I worked in a female pretrial  
4 holdover as well, and I am still here. I have been  
5 in the bureau 15 years. So evidently there are good  
6 officers out there. And this is the majority. It's  
7 the majority.

8 But what do you do? You hear about a bad  
9 incident, and you blow it up. So who is at fault?  
10 We can point fingers at each other all the time. Is  
11 it poor management? Is it the dirty staff? Yeah,  
12 you have dirty staff, but they get screened, they  
13 get investigated, and then they get hired and  
14 they're on probation for a year.

15 So evidently they did something right for a  
16 year. But nobody's monitoring these officers to  
17 say, here's a problem with him. He's quiet, he  
18 talks a lot to this particular inmate, but we don't  
19 know, really, if there's anything wrong. The basics  
20 of an officer are there, so we go ahead and pass the  
21 probation. So then he's got even more freedom at  
22 that point.

23 But under a federal system, is it snitching  
24 or is it the right thing to do to report when an  
25 inmate's being raped? It's the right thing to do.

0181

1 It's not about being snitching. It doesn't look bad  
2 on inmates or staff. It's the right thing to do.

3 And we have good staff there, but the bad  
4 staff fell through the wayside. They made it. But  
5 they get magnified.

6 Now, Beaumont a few years made an article,  
7 and I think it was "People" magazine. And that they  
8 had the highest percentage rate of being positive  
9 for the use of narcotics.

10 Well, they were trying to figure out how  
11 that's coming in. It took them a long time to  
12 figure out that it was some staff. Not many, but a  
13 few. And that's the same thing when you have about  
14 rape, is that there are some bad staff there. And  
15 as an officer, it affects me as well.

16 Now, I wanted to address the code of  
17 silence. I think that's back in the '30s, the '50s,  
18 or the '60s. But the '70s, they had this hands-off  
19 mentality for the Bureau of Prisons. And so they  
20 were in -- looking into staff behavior and how they  
21 were conducting themselves with inmates. We don't  
22 curse at them. We don't physically beat them up.  
23 We protect ourselves when we are being assaulted.

24 I would like to add that a U.S.  
25 penitentiary -- because we have a lot more female

0182

1 officers. They have been assaulted. In fact, the  
2 director who took a tour of the United States  
3 Penitentiary, the female officer was assaulted that  
4 very day when he made tour of that penitentiary.

5 And what did that tell you about what the  
6 inmate's mentality are? They don't care. They  
7 don't care. So they decide what goes on, and when  
8 it happens, it happens.

9 What did the director do? Did he lock it  
10 down? Was he concerned about it? No, he wasn't.

11 What did we do? Did we go in the media and  
12 say how bad management is? That's not the issue.  
13 We had to deal with it locally. What can we do  
14 about it? We want to prevent assaults, period. But  
15 what is the answer? What can we do?

16 If you talk about raising money again, it's  
17 a moot point. It's not politically correct. You  
18 want to put more staff in there, fine. But what are  
19 they going to do? Then they build more prisons, but  
20 they don't staff it right. You build more prisons,  
21 but you still have the same problem.

22 So the mission in the Bureau of Prisons is  
23 failing.

24 Now, take the incentive away for some of  
25 these managers who get bonuses. I don't know if you

0183

1 asked the director that, but they do receive bonuses  
2 for being under budget. At what expense? This is  
3 part of the problem here, and it needs to be  
4 addressed. I don't know what the answer is.

5 I know there's good employees out there  
6 trying every day. And they're calling me now.  
7 Tonight I'm going to tell them, what did I tell the  
8 Commission? I told them the truth. But I don't  
9 have an answer. But I can tell you there's federal  
10 employees that are still trying.

11 That's all I got.

12 CHAIRMAN WALTON: Thank you very much for  
13 your testimony.

14 Mr. Baumann, what does a correctional  
15 officer in California -- what's the starting salary?

16 MR. JOE BAUMANN: You would have to ask me  
17 that. I can't remember what it is off the top of my  
18 head. Roughly 32-, \$33,000, if I remember  
19 correctly.

20 CHAIRMAN WALTON: We're involved,  
21 obviously, in fact-finding. We're trying to assess  
22 why problems exist, and we appreciate your  
23 appearance and your testimony.

24 We have heard on several occasions,  
25 including during this hearing, about your