take the oath.

Do each of you solemnly swear or affirm that the testimony you will provide to this Commission will be the truth, the whole truth, and nothing but the truth, so help you God?

MR. MICHALE BERANBAUM: I do.

MR. TIXOC MUNIZ: I do.

CHAIRMAN WALTON: Thank you.

The next panel and the panels tomorrow will devote -- are devoted -- I'm sorry -- to hearing from those who represent line correctional officers. We will be hearing from several different unions through the representations of local presidents, business agents, and division presidents.

Last March this Commission heard largely from correction officials in management positions. Since the role of line staff is so crucial to how prison rape can be eliminated, it is essential for us to hear from those who deal with inmates on a day-to-day basis at the actual detention level.

The first panel that we'll hear from today will primarily address the issue of the type of training that's most effective in acquiring staff support for measures aimed at eliminating prison rape.
Hopefully our witnesses today will also be able to provide some insight about the level of training that thus far has been made available to correctional officers.

Tomorrow's panels will explore the role of staff in reporting and in the reporting and investigation of sexual assault cases as well as the impact administrative disciplinary procedures can have on the incidence of misconduct in the prison setting.

Mr. Michael Beranbaum is the director of representation for the Department of Corrections bargaining unit, Teamsters Local 117, in Tukwila, Washington. And Mr. Tixoc, I guess that is, Muniz is the President of the Arizona Correctional Peace Officers Association.

I thank both of you for your presence here today, and we'll hear from Mr. Beranbaum first.

MR. MICHAEL BERANBAUM: Thank you. Mr. Commissioner, distinguished members of this Commission, it's my pleasure to be here today to testify on behalf of the 17,000 members of our local union throughout the state of Washington, including over 5,000 of whom are employed by the state Department of Corrections.
Over the past 15 years, I've held various positions within two Teamster locals, where I've acquired worthwhile experience representing members in all facets of public safety.

Currently, I am the director of representation of the Department of Corrections bargaining unit at Teamsters Local 117, which is the third largest local union in the International Brotherhood of Teamsters.

As director I oversee a team of professional business representatives, attorneys, and a full-time lobbyist, all of whom are responsible for the daily representation of correction employees working in 13 institutions throughout the entire state of Washington.

By way of background, the Department of Corrections facilities vary in size and function. For example, you have the Monroe Correctional Complex, which actually houses four separate institutions within its complex, each with its own separate custody level, including a sex offender treatment program.

And you also have in the state of Washington, the Walla Walla -- in Walla Walla, Washington, the Washington State Penitentiary.
Both of these institutions employ over 1100
line staff each.

We also have in the state several
facilities which are what are considered to be work
camps, such as Larch Corrections Center in Yacolt
and Olympic Corrections Center in Forks, Washington,
with approximately 200 correctional staff each. So
it really varies, and we have the full gamut of
facilities.

As to the Prison Rape Elimination Act of
2003, Teamsters Local Union No. 117 and the DOC
members we represent accept the goal of zero
tolerance for the acts of rape and other forms of
sexual misconduct within prisons and jails.

In the statement offered that you will hear
later, if you haven't already received that, from
Carl E. Haynes, who is the vice President at large
and the director of the public services division of
the International Brotherhood of Teamsters, he
reminds us that ongoing training will help to foster
a work culture where sexual misconduct is not
tolerated. We cannot achieve the goals of PREA
through an unfunded mandate.

And I'm going to vary a little bit from
what I heard -- or what I've submitted in written
testimony only to reiterate, I heard a lot of
testimony today about all of the important things
that are needed.

        But ultimately none of them can be
implemented without funding, and that is an
important part of what this Commission can move to
ask for.

Currently new correctional line staff at
the state of Washington, Department of Corrections,
participate in a six-week academy. In addition to
that, they have annually 40 hours of in-service
training each year.

        It's our belief that there should be a
national strategy to the design and delivery of both
the initial and ongoing training programs, which
should include, from our perspective, the following
areas:

        One, training of line staff at correctional
institutions to recognize the behavior which leads
to prisoner-on-prisoner rape and effective
techniques and strategies to deal with the
aggressors.

        Two, there should be joint training between
the correctional line staff, individuals responsible
for the investigation of allegations of
prisoner-on-prisoner rape, and those entrusted with
the prosecution of such crimes to ensure that
justice is effectively carried out.

Three, we believe that training of
prisoners on the punishments associated with
institutional rape and the making of false
allegations against fellow prisoners and staff.

Fourth, training of correctional line staff
to clearly define both the actions which constitute
sexual misconduct and the punishments for
involvement in such actions.

And, finally, the fifth aspect would be
training of correctional line staff on the
manipulative nature of the prisoners and how to
detect the warning signs that a coworker may be
falling prey to such behavior.

In order to ensure appropriate and
consistent levels of training throughout the
country, time and money are important elements to
accomplish PREA's goals.

Within the state of Washington, Department
of Corrections, every single hour of the academy and
the in-service training is already allocated for
courses necessary for the employees to succeed in
their chosen profession.
None of the subjects can be eliminated to create time for effective PREA training. Moreover, the current requirements exhaust the yearly budget dedicated for training. Under the circumstances, PREA training can only be accomplished with assistance from the Federal Government.

I also believe that there needs to be a strong statement from this Commission endorsing joint labor management commitment to the type of training described above.

An effective labor management relationship is founded on trust and mutual respect, which is built over time.

Our union has experienced continuing maturity in its relationship with the Washington State Department of Corrections, which continues to strengthen and grow with each successive collective bargaining agreement.

We have been able to work collaboratively with each other over issues like the expansion of a small work camp of approximately 200 beds to what will be an institution of over 1800 beds, to the opening of a brand-new facility.

Local Union 117 has also had success in
gaining member support for significant institutional initiatives, such as creations of drug- and alcohol-free workplace.

Training, though, is not the only factor that is necessary to reach the important goals of eliminating rape. We must ensure there's an appropriate ratio of staff to inmates in each correctional facility.

In this country, technology, such as surveillance cameras, which we heard people speak to this morning as an important goal, are only a piece and a part. If you don't have the appropriate staff levels in order to watch what's being recorded on the tapes and then to act upon what you see, it doesn't work alone. It needs to be done hand in hand.

In our mind, the strongest deterrent is to have a well-trained staff on the ground involved in what's going on in the institution grounds on the floor.

It should come as no surprise that the solution to the type of progress and vision by PREA requires money. Funding for proper staffing levels, salaries, and employee benefits must be a meaningful aspect of the department's budget.
The Federal Government should make funds available to those agencies that embrace the program.

We must be able to hire competent personnel and properly compensate them commensurate with the level of trust and the responsibility necessary to protect our communities.

What should be done to ensure the corrections personnel are protected? All too frequently our members' work lives are impacted by the manipulative nature of inmates in their charge. Although the occurrence of custodial rape is comparatively rare, the false, unsubstantiated allegations of inmates are more frequent and can have a career-ending impact on staff.

Within correctional institutions, respect and integrity are an integral part of success. Once clouded by unfounded allegations, many staff believe their careers are forever damaged.

The Commission should work to ensure that correctional line staff are treated fairly during the often lengthy investigative stage, which more often than not exonerates the staff involved.

Our members are trained to be firm, fair, and consistent in their dealings with the prisoners,
and they're not always afforded the same level of respect from their employers.

Innocent until proven guilty must be the guiding principle, and the result of a thorough investigation must be evaluated against the just cause standard.

All too often, we have cases within Washington State DOC where prisoners raise allegations of inappropriate conduct against staff. And the first assumption by the agency is that the employee is guilty.

We recently had a case which is right on point with this. A custody officer at the McNeil Island Corrections Center in Steilacoom, Washington, was accused by an inmate of inappropriate conduct.

The officer was immediately assigned to home while the agency conducted its investigation. At the conclusion of the investigation, the employee was exonerated of the charges by the inmate.

The investigation and determination took more than nine months. During this time the agency continued to compensate him, yet he was harmed, both monetarily and emotionally.

The officer lost overtime opportunities and was affected personally by having to explain to his
family and his friends why he was not allowed to go to work.

Situations like the one I just described are not an anomaly.
I believe that if there were a standard for fair and timely investigations achieved legislatively and/or through collective bargaining, the McNeil Island example would become a rarity.

Moreover, we found that in agencies where employees have both a union and the legal right to full collective bargaining, staff are better compensated and have a higher sense of self-esteem and dedication to the job.

In closing, the members of my local union wish to reiterate that they are fully supportive of the goals of PREA and urge you to ensure that corrections personnel throughout this country are provided with the best training and support to make these goals a reality.

CHAIRMAN WALTON: Thank you very much for your testimony.

Mr. Muniz.

MR. TIXOC MUNIZ: Well, I just want to see if I can get his because that's what I'm going to say.