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

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

Thank you.

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

MR. JOHN HARRISON: Yes.

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

MR. JOHN HARRISON: There was a civil.

There was no administrative proceeding because the
statute had run on any sort of administrative
discipline in this case. And we could not toll it.

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

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

CHAIRMAN WALTON: Just one remark,

Mr. Meyers, in reference to your statement about
money.

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

So we're not going to shy away if we feel
that money is, in fact, needed to address these
problems. We're not going to shy away from
indicating that in our report. We can't, obviously,
make recommendations, but we can report what we
find. And if money's needed, we're going to say
that.
What's -- you mentioned -- is it -- in all of your systems as relates to the administrative procedures, is it just cause, the language, as to what's needed in order to establish a claim against a correctional officer?

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

CHAIRMAN WALTON: What's that mean?

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

But it's a just cause standard that arbitrators use, and I know the Teamsters use it. And that's what we are up against at arbitration.

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

MR. WAYNE MEYERS: It's -- my experience is
it's a preponderance. 51 percent is the standard on it.

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

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

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

CHAIRMAN WALTON: Commissioner Kaneb?

COMMISSIONER KANEB: Gentlemen, thank you all for coming.

It's a stark contrast here with two witnesses defending the employees that they represent against what they feel are unjust -- often unjust or unreasonable accusations, but all they're
talking about is staff-on-inmate crime. And here we have the other major problem and maybe the bigger problem, and that is inmate-on-inmate crime and staff indifference or staff lack of attention.

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

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

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

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

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

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

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

We're hoping to unburden officers from those concerns.

Mr. Harrison, I thank you for coming. I know you didn't come of your own volition, and
that's understandable, but we wanted to hear from you. We appreciate your candor. We note your confidence in the vast majority of California correction officers and thank you particularly.

MR. JOHN HARRISON: Thank you.

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

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

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

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

Inmates are so quick to tell everything. If there's a sexual predator in the housing unit, specifically a dormitory, they want that sexual predator out of there. One of the inmates will
snitch him out if we don't know what's going on.

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

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

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

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

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

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