COMMISSIONER STRUCKMAN-JOHNSON: Okay.

How is Mr. Dillard doing these days?

MR. JOHN HARRISON: I don't know. To be honest with you, I have not been in contact with him for several years.

COMMISSIONER STRUCKMAN-JOHNSON: A general question or two -- I think to Mr. Meyers.

You said that you fully support female officers going into the male --

MR. WAYNE MEYERS: Yes.

COMMISSIONER STRUCKMAN-JOHNSON: Is there a different atmosphere now or --

MR. WAYNE MEYERS: I would tell you that inmates -- in my experience, there's a couple of subgroups that they treat automatically with respect. People that look like me, older people -- if I come in as a correction officer, they automatically give me respect. I don't have to gain it from the inmates. They don't see me as a threat. They see me as kind of their grandpa, you know. And I would tell you in the facilities where I worked, female officers are treated the same way, with a lot of respect from the inmates in the housing units. There are some exceptions to that, but...
And I think that, again, having the female officers in the male facilities has had a calming effect. I can tell you that we have a lot of female officers in -- 30 percent, I believe, and they don't have the problems in the housing units that we do with young male officers.

COMMISSIONER STRUCKMAN-JOHNSON: Is there some -- is there -- are you careful to work with the privacy issues in the showers and that for both ways, that men do not go into the female showers and vice versa?

MR. WAYNE MEYERS: Well, women do go into the male bathroom. What happens is when they get to the entrance to that bathroom, they say, "Woman on deck," and everybody has to cover up. And we haven't had a problem with that.

We -- over the years we've had inmates expose themselves to female officers. That's a significant event if they do that. In other words, they're moved out of that housing unit, they're boxed, they're disciplined. They know that they don't cross that line.

COMMISSIONER STRUCKMAN-JOHNSON: We've had testimony from -- in another hearing that many female prisoners do not like the idea of -- it's not
necessarily male supervision, but in the privacy --
in the areas that are requiring privacy, that the
male correctional officer presents a problem.

MR. WAYNE MEYERS: Again, the only thing --
my point of reference, I've never worked in a female
facility. I just have represented people, and I
have been in that female facility a number of times.

Our union is of the opinion that
cross-gender supervision is good. And we are going
to maintain that position.

In the female facility, we would tell you
that if we got predators in there, we're going after
them. Let's get them. We got predators, males
preying on females, go get them. We're with you.

But we think that cross-gender supervision
is good, and we're going to hold that position. And
I know it's not a popular position in some states,
but that's our position.

COMMISSIONER STRUCKMAN-JOHNSON: Okay. A
question to Mr. Meyers and Mr. Aides.

MR. BRIAN ALDES: Aldes.

COMMISSIONER STRUCKMAN-JOHNSON: Aldes.

Sorry.

How do you think -- I know that -- this is
to the issue of correctional officers identifying
that inmate-on-inmate sexual exploitation may be going on.

Do you think that officers' attitudes toward gay men has any effect upon their ability to correctly identify a sexually exploitive relationship going on with inmates? How does that play in? That perhaps they don't recognize sexual assault going on because they assume it's consensual because perhaps the victim is gay.

Is that a scenario that would play -- that plays out, in your opinion?

MR. BRIAN ALDES: I haven't -- I have not experienced that. So I would have to say no.

MR. WAYNE MEYERS: I worked in a facility that was a county jail where the inmates would not allow a homosexual man to stay in that jail. In other words, when he got into that housing unit, they would tell him, pack up, you can't stay here. This was when we were a presentenced county jail.

And then it was really interesting. When we went sentenced and we got a whole bunch of sentenced inmates in, I had three or four obviously homosexual men, dressed like women, wore makeup in that facility. It does add another dynamic because you're constantly watching to see what's going on
there.

I a lot of times felt that they were being preyed upon. I never saw them being preyed upon sexually. I never saw it. But I saw them being used almost as slaves. They're going to do all the laundry. They're going to clean your cube. You're going to do this, you're going to do that.

And, yeah, it is -- it's an uncomfortable situation, but we -- as a state, we house homosexual men in general population.

And overall, even with its problems, I think it's a good idea to keep -- than rather keeping them in protective custody. It requires an officer who is in that block to really keep a close eye on what's going on.

I would tell you that there's kind of an unwritten rule that in the blocks where we -- in the dorm situation where we have homosexual men, usually you'll see seasoned officers. And it's an unwritten rule that we use seasoned officers in that situation.

COMMISSIONER STRUCKMAN-JOHNSON: Would any training help?

MR. WAYNE MEYERS: Oh, I think it would help tremendously. I think it would help
COMMISSIONER STRUCKMAN-JOHNSON: Thank you.

CHAIRMAN WALTON: Commissioner Fellner?

COMMISSIONER FELLNER: I have several questions. I would first like to follow up on Commissioner Struckman-Johnson's question.

You see a man who has been very feminized. You point out that he's doing the slave work. Wouldn't it cross the officer's mind to suspect that he's in an exploitative relationship and that he is obliged to perform sexual favors as well as do the laundry?

And wouldn't -- if you saw that situation, shouldn't there be action taken to remove that person from that relationship and protect him?

Our research shows that -- which we have done, our Human Rights Watch, not -- and the Commission has heard testimony that when you see all those signs, those are signs that there's an exploitative relationship going on, that the guy is doing it because if he doesn't, he's at risk of violence. He's been either bought, owned, whatever. He's now in a relationship where coerced sex is part of the deal.

I don't -- I'm surprised by your saying
well, you see him doing the laundry, but, hey, you
know, that's the way it is.

MR. WAYNE MEYERS: Well, what I would tell
you is that if I'm that block officer -- when I take
the block, I tell them there is no -- they used to
call them, you know, the laundry person. I say
there is no laundry person. Everybody does their
own laundry.

I would try to minimize those things as
much as I can. But I'm telling you that that's the
way it is. That's the way it goes.

COMMISSIONER FELLNER: I understand that.
I'm saying that that's clear evidence to me of a
sexually exploited relationship. That's coerced
sex. That is rape under the definition of PREA.
And doesn't the staff have an obligation to break
that up? Are you aware that that --

MR. WAYNE MEYERS: I'm not talking about
sexual activity at all.

COMMISSIONER FELLNER: But what I'm saying
is what you are describing are signs of a
relationship in which the guy has been turned into
the wife. And sex is part of that relationship.
And it's not voluntary, because if he's not in that
relationship, he is going to be hurt in one way or
There are endless stories like that and you know that. So I'm just surprised by your saying that you would say, well, nobody does anybody's laundry, but in an example like that you're not taking steps to end the abusive -- you know, to protect the victim.

MR. WAYNE MEYERS: I don't have a victim yet. I don't know of any sexual abuse that happened here. We watch that inmate -- we watch that inmate close, if he's homosexual, to make sure that there's nothing going on, whether consensual or -- but I don't have -- somebody doing laundry keys me to look at something, but if we -- you know, if we have evidence of sexual abuse and that he's being sexually abused, of course we're going to do something. We're not going to ignore that.

And we do -- I do look at a sign. I look at that as a sign, I got to watch him. Whose laundry is he doing?

COMMISSIONER FELLNER: Yeah. I would think so because it's not very often that you're going to see actual -- the actual penetrative acts or the actual blow jobs or whatever. You're going to have to look at signs. And signs are what tell you and
what tell other inmates. All the other inmates know
what -- that's going on.

I don't want to belabor, but I was
surprised by your response to that, which struck me
as ignoring a very obvious sign. The way you
described it, a guy decked out as a woman, doing
somebody's laundry? Something's going on there.

Okay. I would like to move on for a minute
to -- I'm just curious in the Dillard case -- and
it's perhaps too unique to the case so I don't want
to take much time -- why there couldn't have been an
argument in terms of the administrative, that the
statute doesn't toll until the misconduct has been
discovered, and the misconduct wasn't discovered
until 1997.

But I will follow up with you afterwards
because that just strikes me as an odd thing and
that clearly there should have been some
administrative sanctions there. And I'm surprised
that they didn't happen.

I would be curious from all three of you as
to your belief as to whether or not the prevalence
of inmate-on-inmate sexual violence, sexual abuse --
and I include the range from coerced to violent
rape -- is -- coexists with or is connected to
violence in general.

   Or to put differently, do you think facilities which have a higher rate of coerced sex between inmates are also facilities in which they're just generally higher rates of inmates, extortion, violence, other misconduct by inmates? And do you think they go hand in hand so that cleaning up or ending prison rape also involves putting sort of efforts to deal more with the broader problem of violence?

   And I would like to start with Mr. Harrison and your sense from California, and then have all the -- each of you answer that.

   MR. JOHN HARRISON: Thank you.

   My sense is that these types of crimes occur regardless, really, of the custody level or classification of the inmates.

   I have seen them occur in minimum custody facilities, medium, and maximum security facilities.

   I don't think that the nature of the custody of the inmate necessarily will give you a correlation as to where the crime -- you know, whether a higher percentage of crimes are going to be committed.

   I will preface that, though -- or not
preface it, but qualify it with the statement that higher custody inmates are there because they're more violent and because they commit more crimes. Maximum security prisons have more violence than minimum security prisons. That's a given fact. They do because you have people that have either come to prison for a very violent or serious crime, or they have managed to work their way up the ladder in custody levels because they're very violent or predatory while they're in prison.

So in my personal experience, I have seen these types of sexual assaults occur at all custody levels. I just -- that has been my experience.

COMMISSIONER FELLNER: Let me just -- I wasn't asking just about custody levels. But when you -- there can always be the random and isolated case. That's going to happen in any institution.

But some facilities -- and I'm sure you all know this from your experience -- have more -- have a greater prevalence at whatever level. There's more violence and there's more sexual violence and that can occur in lower custody as well or higher custody.

I'm just wondering if in your experience there tends to be a correlation. And I think you
were suggesting yes, at least for the higher
custody, that facilities that are -- let me phrase
it somewhat differently, and that might make it
easier for you to answer.

There are better managed and worse managed
facilities. In worse managed facilities there tend
to be more inmate violence of various sorts and
inmate misconduct and contraband and extortion and
all sorts of things in a less well-managed facility.
Would you agree with that?

MR. JOHN HARRISON: Well, that would stand
to reason, yes.

COMMISSIONER FELLNER: Yes.

And I'm asking in a less well-managed
facility do you also, then, tend to -- do you think
that there is more likelihood of inmate-on-inmate
sexual abuse in less well-managed facilities,
whatever the custody level?

MR. JOHN HARRISON: Well, I mean, on its
face, you know, we're going to just take it for
license here that, yeah, you have a badly managed
facility, you're probably going to have more
problems and more violence.

But having said that, I don't personally
know of any correlation that, okay, there's more
violence in a prison, so there are more rapes as a result. I don't know if that kind of correlation exists. I have never seen raw data or stats that have been gathered that show that.

COMMISSIONER FELLNER: I'm not asking stats. I'm asking your experience, what your sense -- as a seasoned person who has been in corrections for a long time, what's your sense?

MR. JOHN HARRISON: My sense is that in higher custody prisons, the problem is inmates killing each other and stabbing each other and murdering each other.

I don't recall in -- large numbers of rapes that jumped out in my mind occurring in higher custody facilities that somehow seemed to be a radical departure from a lower custody facility. My experience has been that they happen in all levels.

COMMISSIONER FELLNER: Okay. All right. Thank you.

MR. WAYNE MEYERS: There was a discussion yesterday on leadership.

COMMISSIONER FELLNER: Yes.

MR. WAYNE MEYERS: And I would tell you that I can graph certain facilities as we move people around. And if a certain warden's at one
facility, I can tell you that workers' comp is going
to go down, discipline's going to go down,
disciplinary reports for inmates are going to go
down, violence is going to go down, inmate fights
are going to go down.

And other wardens, as they move from
facility to facility, those things all go up.

Now, we -- I don't have a graph of sexual
violence, but my sense is yes. My sense is I agree
with you, that if you take a look at a facility
where you got a high incidence of violence among the
inmates and a high rate of codes for us to respond
to and a high rate of extortion and gangs, then,
yeah, I would think that that would lead you
straight to believe that that place was wide open.
People can get away with a lot more there than they
could in another facility. I would agree.

COMMISSIONER FELLNER: Okay. Thank you.

Mr. Aldes?

MR. BRIAN ALDES: My experience -- my work
experience is in pretrial facility, and where I
represent correctional officers are also all
pretrial facilities. They're jails. They're county
jails. They're joint powers, correctional
facilities. So I may not see as much of it as you
may in a prison because those are long-term
settings.

But what I do see is there are periodic
instances or incidences of violent crimes in all
jails. I don't know if there is a correlation
between poorly run or better run or -- you know,
they all house violent inmates.

And I believe that anytime you have a
setting that's housing predatory offenders, there's
going to be an incidence of violent crime.

COMMISSIONER FELLNER: Okay.

I also wanted to follow up. I know,
Mr. Meyers, you said in your testimony and you said
to me yesterday that you don't think there is a code
of silence in Connecticut.

MR. WAYNE MEYERS: I do not. I would tell
you that, and I think I was pretty frank with you.

COMMISSIONER FELLNER: You were very frank,
and so I wanted -- so I know -- I wanted to go to
California where there have been a lot of concern, a
lot of writing in the Deukmejian report, for
example, which we're going to hear later on today
more about that, that there is a problem of code of
silence. That the officers simply -- you saw that
even in the Dillard -- and it's not just because
they're with their union representatives urging them not to talk, but there is an unwillingness to talk. And I wondered if you have seen any change -- certainly that was true in the Dillard case. And I wonder if you have seen any change of that in the years since or if you think that is still a problem with -- in California in terms of being able to go after and get proper discipline for rogue officers.

MR. JOHN HARRISON: Well, I think that the -- I think that the system is better designed now to deal with rogue officers. I think there's been a change. I do. I really do think there has been a change.

I don't -- officers by their nature, regardless of whether you're a police officer or you're a correctional officer or what kind of officer you are, do not relish the idea of telling on other officers.

COMMISSIONER FELLNER: Uh-huh.

MR. JOHN HARRISON: A lot of them don't for various reasons. Peer pressure, you know --

COMMISSIONER FELLNER: Right.

MR. JOHN HARRISON: -- having to work in
COMMISSIONER FELLNER: Watch your back.

MR. JOHN HARRISON: Sure.

But I think the -- I think there has been a change.

Can it still occur? Well, it could. I mean, there certainly -- still a crime could occur, and people would either decide not to talk about it or be reluctant to talk about it.

But I think the Department of Corrections has put a lot of emphasis into that. And I think the line officers, by and large -- if they know that an officer has committed a crime and done something like that, the majority of them are going to tell. They're going to tell.

COMMISSIONER FELLNER: Can you give an example in your recent work of a case in which an officer has been accused of sexual misconduct -- or if you don't have a sexual misconduct, of other misconduct -- in which officers have, in fact, been willing to testify -- I'm using that term loosely -- against him or her?

MR. JOHN HARRISON: No, I can't. The reason I can't is because filing the Dillard case, that was the end of my doing Internal Affairs
investigations.

Since that time, I do criminal investigations involving parolees, inmates, and crimes that have a nexus with the prison. So my experience is no longer in that venue.

COMMISSIONER FELLNER: So why do you say, then, you think there have been a lot of changes if since then you have mostly been working with parole and whatnot so you haven't been -- I mean, I'm curious, then, what the basis for your --

MR. JOHN HARRISON: Well, I work with institutions all the time. I know -- being part -- I work for the Department of Corrections. I'm not completely isolated from them. I know that the very nature of the fact that the Internal Affairs investigations and the mechanism by which they are done has changed, has made an improvement. There's no doubt in my mind about that.

COMMISSIONER FELLNER: But you're not working in that department on staff misconduct cases anymore?

MR. JOHN HARRISON: No. No.

COMMISSIONER FELLNER: All right. Thank you.

CHAIRMAN WALTON: It's time for us to
break, but I did have, I guess, one question. I assume that what you were saying in reference to the statute of limitations, that the statute of limitations as it operated then and maybe now started to run from the time the event occurred. It was not a statute that didn't start to run until the event was discovered.

MR. JOHN HARRISON: Correct. In both the criminal and the administrative case.

To answer your -- if I may, Judge.

COMMISSIONER FELLNER: Yeah.

MR. JOHN HARRISON: To answer your question regarding the statute on the administrative personnel investigation, the attorneys from the AG's office vigorously prosecuted this case, and they also looked at every aspect including giving counsel to the Department of Corrections regarding the administrative personnel investigation.

I'm not an attorney, but I recall that the issue was that the Government Code in California, which codifies what we can do in an administrative personnel investigation, simply had no provision for tolling this particular bad act by the officers. That was it.

COMMISSIONER FELLNER: Well, that's
something I think the Commission will need to look at to see if it's an odd problem for California or general.

Because here you have a man who complained, who did everything he was supposed to. The agency doesn't act. So years pass, and then there can be no consequences or sanctions for the misconduct by officers, if indeed there was, because they managed to keep it hidden for four years.

I mean, that seems sort of -- it's an odd result, and I would be interested to know -- and maybe you could actually find out for us -- whether or not that would be the case today, whether or not -- and I don't know if -- or if we can find out otherwise, because that's -- that obviously is not a desirable situation. If you can succeed in keeping something hidden, then there's no remedy.

CHAIRMAN WALTON: And I assume -- I don't know what your collective positions would be, but if you do have that type of complicity that's inhibited information from becoming known, would you be of the view that under those circumstances, the statute of limitations for administrative actions, at least, should not start to run until such time as it becomes known?
MR. JOHN HARRISON: I would agree a hundred percent. Absolutely. Yes.

MR. WAYNE MEYERS: Yeah. I think I would have to agree. Our collective bargaining agreement says that the clock doesn't start for our grievance process until we're aware of it.

So conversely, I would think that, you know, that would be the opposite too.

CHAIRMAN WALTON: Okay. Well, thank you for your testimony. We'll take a recess until quarter to 11:00, and we'll proceed with our next panel.

(Recess taken from 10:31 a.m. to 10:45 a.m.)

CHAIRMAN WALTON: Okay. Our next panel will address the issue of staff sexual misconduct and will provide information about survivors' experience.

And we will hear testimony from Ms. Kathy Hall-Martinez, who is co-director of Stop Prison Rape here in Los Angeles, California.

After she presents her testimony, then we will have the written testimony, which is under oath, of a Jane Doe witness who is currently detained in a California female facility, who will