the National Prison Rape
Elimination Commission has taken to
make it possible for me to testify
here today and to do so without
putting myself at further risk of
retaliation.

"Thank you."

CHAIRMAN WALTON: Thank you very much.
And, please, on behalf of the Commission,
relate to the witness that we appreciate her
submitting her written statement.

MS. CYNTHIA TOTTEN: I will. Thank you.

CHAIRMAN WALTON: Questions?

COMMISSIONER KANEB: Ms. Martinez --

MS. KATHERINE HALL-MARTINEZ: Yes.

COMMISSIONER KANEB: -- you voiced concern
about retaliation against prisoners who communicate
with your agency.

Knowing something of your activities and,
as you know, being a great admirer of your efforts,
I have periodically asked -- it may have been to
another staff person -- if, in fact, this phenomenon
of potential retaliation, you know, has been on your
mind, has surfaced before, and so on.

And my impressions of having made that
inquiry more than a year ago, it didn't seem to be something that was terribly problematic at that time.

    Now, things have changed or --

MS. KATHERINE HALL-MARTINEZ: Well, the situations that we've encountered recently that were not something that we encountered in the past was receiving multiple communications from different prisoners with different stories but that appeared to be quite credible given the level of detail, et cetera, from the same unit in the same prison.

    And, of course, that disturbs us greatly because of the very short time period of receiving multiple communications.

    And that isn't something that's terribly common. We tend to normally receive a communication here or there from -- you know, from different facilities.

    So upon receiving those and because of the close time frame and because it seemed like there were serious issues in the particular unit in question and particular issues with staff there, you know, we've really grappled with how we should respond having that knowledge. And, again, the proximity in time.
And, again, we just -- we have been very cautious about it because of our concern. And, you know, again, have taken some small steps that we thought were appropriate to the circumstances.

But, again, you know, it is very difficult, and I think that many other, you know, legal organizations that work with prisoners would confirm this, similar to what we heard yesterday about those that work on immigration with immigration detainees. You don't know what's going to happen to the prisoners because you just don't really have enough access to know what could happen in a couple-of-day period when, you know, you're out of contact with the person, because the only way to communicate is by mail, by snail mail, the regular mail.

So we really grapple with that. And it has been, as I said, a problem that just within the last, I would say, six months or so we've received, again, multiple communications from the same prison, the same unit.

And, you know, we just have to look at the different kinds of responses. And, unfortunately, in one instance we have reached out to the most senior leadership in the state, and we've heard back
from the prisoners about retaliation being taken against them.

So, you know, it puts us in a difficult situation because we want to do what we can, but at the same time we have to be very, very careful about having any kind of a negative impact on the individual concerned.

We do try to think -- you know, we try to look into possibilities of getting organizations involved that are proximate to the prison in question, but there aren't a lot of those. There's, you know, very, very few and -- depending on the prison and on the state involved.

COMMISSIONER KANEB: This is one particular prison that we're talking about.

MS. KATHERINE HALL-MARTINEZ: Well, yes. I mean, this has happened a couple of different times. So it involves two different prisons in two different states.

COMMISSIONER KANEB: Thank you.

COMMISSIONER STRUCKMAN-JOHNSON: Thank you, Ms. Martinez and Ms. Totten, for your work at SPR. We greatly admire it and thank you for all the help you offer on the inmates' side and I think perhaps to all sides and the advice you can give.
I'm interested in perhaps just some ideas on -- for staff training. What do you think you would -- could you recommend something in particular to help staff flag or see an inmate in trouble? And perhaps including gay, male gay prisoners too.

Is there anything here -- we've got people here. You know, all of us could benefit. Do you have anything to offer?

MS. KATHERINE HALL-MARTINEZ: In terms of recognizing signs of --

COMMISSIONER STRUCKMAN-JOHNSON: Right. That could be put into a training program to let officers perhaps take action when they see something, kind of for prevention or something ongoing that perhaps they don't recognize as coercion that perhaps they may see as consensual.

MS. KATHERINE HALL-MARTINEZ: Well, I think, you know, that even some of the examples we were talking about earlier this morning in the other testimony illustrate one of the biggest issues, which is just simply the need to question some of the housing assignments that may be problematic in terms of an inmate who is at risk and an inmate who may be predatory and how common that, unfortunately,
still seems to be. And I think it should be part of training, to help identify those problematic situations.

And I think as Commissioner Fellner and all of you were talking about, it's very important that it not just be accepted, that, you know, inmates that, you know, who may be gay or may be weaker physically, et cetera, are put into more -- a subservient position and for the staff to assume that that's benign, because it seldom is. And that's certainly our experience as well.

So I think raising those kinds of scenarios in training is important. And then for there to be a process for corrections -- corrections officers to be able to address that, you know, in a more proactive way.

You know, again, even when there's not a clear indication, for example, that they've actually observed sexual violence, or whatever the case may be, but that they can be more preventive in that approach.

MS. CYNTHIA TOTTEN: And I would just add to that that complaints need to be taken seriously. I mean, we have received, I would say fairly recently, a number of communications from gay
inmates who actually were courageous enough to make a complaint and were told that this is something that was consensual. This was something that you wanted.

And the response is that their complaint is not taken seriously, even in the rare case -- COMMISSIONER STRUCKMAN-JOHNSON: Because they're gay.
MS. CYNTHIA TOTTEN: Right.
COMMISSIONER STRUCKMAN-JOHNSON: Assumed consensual nature.
MS. CYNTHIA TOTTEN: Exactly.
MS. KATHERINE HALL-MARTINEZ: So I think, again, even just that training about how -- I mean, we also have some excellent documents aimed at inmates but could certainly be adapted for corrections staff training for recognizing signs of sexual violence and the impact on a victim. Or even when someone's feeling threatened by it, you can observe certain forms of trauma.

And I think that that -- you know, again, that kind of training is just very important.

And I think, as we heard testimony yesterday -- I mean, you know, a corrections staff person may have the very best intentions in reacting
to an inmate coming forward, but his or her
automatic response is -- may just be very poorly
informed and may make the situation worse, you know,
by telling the person, oh, you know, just suck it
up, or, oh, well, gosh, why don't you go take a
shower, and then you'll feel better, that, you know,
both can exacerbate the trauma and/or destroy
evidence.

COMMISSIONER STRUCKMAN-JOHNSON: If you
have any documentation, training ideas, if you
haven't already, if we could see that.

MS. KATHERINE HALL-MARTINEZ: Yeah.

We also have -- another, you know, form of
training that we have found useful and that we have
been piloting here in California involves sort of a
sensitization aimed at corrections administrators,
although it certainly could be adapted to line staff
if we ever could have that opportunity.

It's not so easy to get that training time.
I mean, that's a major, major challenge in many
states, is the limited time there is for training of
line staff.

For administrators, however, we have been
able to train them on just some of the basic
principles about their obligations under the law,
including from, sort of, concepts of human rights, all the way down to, sort of, what it is that PREA requires and trying to make those different connections for them in a more perhaps, you know, systematic way than they've heard. And we found it to be very effective. And we would certainly be glad to share that curriculum with the Commission if that would be useful.

COMMISSIONER STRUCKMAN-JOHNSON: Thank you.

CHAIRMAN WALTON: Thank you for your testimony. We appreciate it and all your other assistance you've provided to the Commission.

MS. KATHERINE HALL-MARTINEZ: Thank you.

MS. CYNTHIA TOTTEN: Thank you.

CHAIRMAN WALTON: Okay. At this time we will have the testimony of Mr. Joseph Gunn, who is the former executive director of the California Corrections Review Panel, otherwise known as the Deukmejian Commission.

MR. JOSEPH GUNN: Morning, sir.

CHAIRMAN WALTON: Morning. How are you?

MR. JOSEPH GUNN: Fine, thank you.

CHAIRMAN WALTON: Do you solemnly swear or affirm that the testimony you will provide to this Commission today will be the truth, the whole truth,