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,
and nothing but the truth, so help you God?

MR. JOSEPH GUNN: I do.

CHAIRMAN WALTON: Okay. Thank you.

If you could please just give us an overview of why the Commission was created, what it did, and what it found.

MR. JOSEPH GUNN: The Commission was appointed by Governor Schwarzenegger with Governor Deukmejian as the chair and myself as executive director to actually look at the entire California corrections system: organization, code of silence, personnel, training, computers, sentencing.

We ran the gamut of everything, and we wound up reviewing over 400 documents and making over 400 interviews. And we issued a report to the Governor's office with 239 specific recommendations to better a system that, in our words, were in total chaos.

CHAIRMAN WALTON: When was that submitted to the --

MR. JOSEPH GUNN: That was in 2004.

July 1st of 2004 is when our report was submitted.

And I want to thank you for inviting me to appear today and giving me the opportunity to share some of my thoughts.
Any discussion in California relative to
the elimination of rape in our prison cannot begin
without going to the root cause of the problems, and
that is prison overcrowding. This is not a new
problem, but one that has been festering for years.
We mentioned it in our report several years ago.
We strongly made the point that no reform
could take place in prison without a reduction in
the prison population.

Today, California’s correction system is in
total chaos. Inmates are living in gymnasiums and
game rooms, in bunks stacked three high where the
environment is so dangerous that on occasion even
prison guards do not enter the site.

This volatile setting is so severe that
most honest prison officials in California will tell
you that it is not a question as to whether a riot
will occur, but only when it will occur.

How, then, do we reduce this prison
population? In our panel’s view there was only one
logical way. We must revise the sentencing laws in
California from the determinant sentence that it has
now where prisoners are given a fixed sentence,
there’s no rehabilitation, there’s no counseling,
there’s no education, there’s no vocational skills.
They know when they're going to get out, and, therefore, they have no incentive to change their behavior.

We recommended going to what we call the presumptive sentence where -- which is almost like the old indeterminate sentence -- where a prisoner is given a range, and then he's met at the prison by the wardens and social counselors who say, okay, here's the deal. If you achieve your high school education, if you successfully complete narcotics or alcohol rehabilitation, if you behave, if you want to take vocational training and you successfully complete it, we will release you out at an earlier date.

We believe that almost 60 percent of the population would qualify under these guidelines. We're not talking about murderers and rapists and we're not talking about even third strikes, but it doesn't stop there. Then there must be a smooth transition for these prisoners back into society. Currently, today, the parole officers are more enforcement-oriented. We think that they ought to redirect their attention to high-risk parolees, which is not the majority of parolees out there.

Parole officers must be retrained so that
they can assist other parolees through housing, through occupation, through medical care, to make that smooth transition back into society.

We have to train more teachers, counselors, provide more vocational programs so we can break the cycle of recidivism, which right now is about 70 percent in California prisons.

However, this entails a long-range plan and the expenditure of up-front funding. There has been no will to accomplish this goal from either the legislature or the executive branch.

Rather, the only solution in California that is offered is to build more prisons, which will do nothing to stem the increase in prison population and the high recidivism rate.

Even if the sentencing laws are revised, nothing will be accomplished without the willing participation of capable administrators and competent staff. Sadly, the Department of Corrections and Rehabilitation in California is lacking in both.

Power is centralized in the upper echelon of the department, and there is little, if any, programs to develop management employees.

Instead of establishing a clear ladder for
promotion for those who exhibit management skills,
promotion still depends on political connections.

Training is almost nonexistent and cannot be implemented without the union's consent.

You know, it's interesting because the majority of prison employees are honest and hard-working individuals, but they are trapped in a dysfunctional organization.

There is no computer system in place to track at-risk employees. There is no way the secretary of corrections on a day-to-day basis could tell which prison is doing a good job, which prison is doing a bad job, which employees have had the complaints in the past. On a technological standpoint, they are far below average within the system.

Even when they do discipline an employee, the prisoner, with the backing of the union, appeals to a State Personnel Board, which is totally separate from the department. In the majority of cases that are appealed to this board, they overturn management's recommendations for discipline, and all that does is weaken management's authority and also enhance the code of silence.

There has always been a delicate balance
between management's right to lead and the union's right to fairly represent their members. The pendulum has swung too far to the union's side.

Through executive and legislative action, management's power has been diluted. Today, the union makes 70 percent of the assignments for its members, not management. When it comes to overtime, the union dictates who works overtime, thereby rewarding not the best employee, but the ones who are most senior.

The union also controls victim rights organizations through its funding mechanism and utilizes these well-meaning organizations to attack any lawmaker who tries to change the sentencing structure of the State.

Far too many legislators in California have not displayed the courage to do what is in the best interest of the State by facing up to this attack.

The main reorganization recommendation that our panel made was that there should be established an independent civilian commission to be the head of corrections, which would serve as a buffer between the political end on the executive and legislative branches and also from the department. As with most of our proposals, this was not implemented.
The elimination of rape and other assaults in prisons is a truly worthy goal. I'm sorry I'm so pessimistic about its elimination in California and in our prisons, but realistically, our system is in total chaos, and I see no programs being offered to eliminate this problem.

CHAIRMAN WALTON: So since the report was issued, you're saying that virtually nothing has been done?

MR. JOSEPH GUNN: They did a cosmetic reorganization a year after our report, which still didn't touch on a risk management unit. It didn't touch on a chief fiscal operations officer. There still is none, although they have a $7 billion budget.

Planning and research is almost nonexistent. There's no development of capable administrators to come up through the ranks. A warden is a dead-end job. If you're a warden, you're a warden, unless you have a political connection to become an undersecretary or the deputy secretaries.

Very little of our recommendations have been accepted.

CHAIRMAN WALTON: And is it your view that
that's the product of a lack of money or a lack of political will?

MR. JOSEPH GUNN: I think it's a combination of both, sir. I think -- you know with term limits, it's very interesting. Because in order to solve this problem, you're going to have to put a lot of money up front, by the hiring of new staff, new training. But in the long run you will save money because you will cut down recidivism at the back end.

But with term limits you have very few legislators who are willing to talk about long-range planning. They only want to talk about short-range planning. At the same time one can never underestimate the power of the union in California and their impact on legislators.

Any attempt to what, in their view, is -- weaken the laws will -- they will unleash, through their victim's rights groups, a political attack on that legislator, and most legislators are not going to do that.

CHAIRMAN WALTON: Do you think the union's position is the product of a sincere concern about public safety, or is it the product of self-interest?
MR. JOSEPH GUNN: You know, I have no problem, sir, with the unions. I think unions do what unions do. They're out to get the best deal for their employees.

My problem is, is with the legislature and the executive branches in California who have allowed them to exceed their powers and to infringe on the powers of management.

CHAIRMAN WALTON: Questions?

COMMISSIONER KANEB: You, I believe, were in the room when Mr. Harrison testified?

MR. JOSEPH GUNN: I don't know who Mr. Harrison is, sir. I came in at the end of a panel that was here.

COMMISSIONER KANEB: Okay. Well, then, let me tell you.

Mr. Harrison is now out of the main line of prison administration, was previously in Internal Affairs and was very much involved in the so-called "Booty Bandit" matter, which you must know a lot about.

MR. JOSEPH GUNN: I've heard about it, but I'm not that familiar with it.

COMMISSIONER KANEB: Well, I will simply say that it's his opinion that despite what the past