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 KANE B: 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 KANE B: 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 KANE B: Well, I will simply say that it's his opinion that despite what the past
has been, that, in fact, improvement has taken place
and is taking place in respect to paying attention
to prison rape as a major issue.

And, in fact, he believes that officers --
that is, prison guards -- are now much more
sensitized to their responsibility in helping to
prevent violent sex in prisons or forced sex in
prisons and infers from that that things are getting
better. Although he agrees he's been out of the
main, let's say, line approach to what's going on
there, but that's what he believes is the case.

Do you have any opinion about that?

MR. JOSEPH GUNN: You know, I must tell you
that our panel did not look at specific individual
cases, but concentrated mostly on broad policy and
organizational problems.

I do know in the area of discipline, they
did accept one of our recommendations, which was to
combine the Internal Affairs. They had a separate
Internal Affairs unit for the youth authority and a
separate one for the adults. They did combine it.

But there are other portions of the
disciplinary procedure that have not been changed,
such as if a complaint is made against a
correctional officer, the administration must show
the complaint and the entire evidence against the
officer before they can interview that officer.

Well, to us it seemed ludicrous. You know,
you've got somebody who has made a complaint, and
now before they even get to talk to him, the
officer's going to be fully knowledgeable of what
the complaint is.

So I can't comment specifically on whether
it has been improved on how they're working rape or
not. I can only tell you that on an organizational
level, we think most of the improvements have been
cosmetic, if any.

COMMISSIONER KANE: You then probably
wouldn't get down to this level of detail.

He feels very strongly that there is a need
for some degree, if not permanence, but some degree
of continuity among investigators and Internal
Affairs so that people with experience are retained
in line positions on the job for significant periods
of time, or as he -- it is his belief that there is
a rapid rotation through Internal Affairs
investigators. People move on, they leave the
system, they get promoted, and there's sort of no
institutional culture or teaching ability from
veteran investigators to new investigators.
Unless -- you may surprise me, but I don't think you're going to be, from what you've said, knowledgeable about that.

MR. JOSEPH GUNN: Well, I can tell you I'm a retired commander on the Los Angeles Police Department.

COMMISSIONER KANEB: Oh, okay.

MR. JOSEPH GUNN: And I totally agree that there has to be a level of experience and expertise in Internal Affairs.

I think what's important for Internal Affairs is not only to have that core group of seasoned investigators, but to also bring other correctional officers through Internal Affairs for limited tours of duty so that they can experience what management is trying to do and also to lessen the impact of this "them versus us," which seems to always happen when you have an Internal Affairs unit.

So I don't disagree with that gentleman's comment.

COMMISSIONER KANEB: Thank you.

COMMISSIONER STRUCKMAN-JOHNSON: Thank you very much for coming today.

And would you -- I just would like to hear
more about your -- you said one of your major
recommendations was to have an independent civilian
team --

MR. JOSEPH GUNN: Yes.

COMMISSIONER STRUCKMAN-JOHNSON: -- placed
at the head of corrections.

Could you explain what that would look
like, how it would work?

MR. JOSEPH GUNN: It's modeled, really, a
lot after what the system is on the Los Angeles
Police Department, where there is a five-member
civilian commission who are appointed in Los Angeles
by the mayor. And they are the head of the
Los Angeles Police Department. The chief of police
reports to them.

Our suggestion for corrections was that --
and we didn't even get into specifically how they
should be appointed. It could be a combination of
the Governor and the legislature controlling them.
But they should appoint five individuals who really
should be people of the -- the topnotch of society,
who are willing to volunteer their work to be over
corrections.

The secretary would report to them,
although he would still hold a position in the
Governor's cabinet.

In our way of thinking, they would become a buffer between the political and the real world. They would stand -- they would protect the secretary from political pressure from both the Governor's office and the legislator's office.

At the same time they would ensure that reform programs coming up from the department are implemented by the secretary.

But that got no reaction in Sacramento, so it never went anywhere.

COMMISSIONER STRUCKMAN-JOHNSON: Thank you.

CHAIRMAN WALTON: Well, we thank you for your presentation. Hopefully maybe a miracle will happen and things will change.

MR. JOSEPH GUNN: I hope so, Judge. I always say, you know, ten years from now there will be another panel with more recommendations, and I hope ours doesn't wind up like that.

CHAIRMAN WALTON: Okay. Thank you for your presentation.

MR. JOSEPH GUNN: Thank you, sir.

COMMISSIONER KANEB: Judge, give me a minute.

CHAIRMAN WALTON: Yes.
COMMISSIONER KANEB: I'm sorry. We have a little time here.

CHAIRMAN WALTON: Yes.

COMMISSIONER KANEB: Well, either from your own very substantial experience as a senior officer in the Los Angeles Police Department or LAPD, as I have learned it is called, or on the Commission, do you -- did you get into or do you have an opinion about whether or not technology in terms of surveillance cameras, RFID bracelets, or other electronic and visual means of tracking who's where or who did what, who's with whom, et cetera, et cetera, and when they're in those locations -- do you think that a major investment by, say, the whole prison industry -- leave out the funding. That's a whole other issue -- might be useful?

MR. JOSEPH GUNN: Absolutely. The more you can use electronic equipment, the better you are, the more you can have a tracking system for officers. So you can not only reward the good officers, but punish the bad officers, or at least get a warning sign.

But they can do other things. Internal Affairs, they ought to be doing sting operations.

If a series of prisoners, like the previous witness
testified to, are making complaints about a certain prison and a certain section about certain guards, Internal Affairs ought to go in there and do a sting operation and see if it's a true allegation.

You know, once you do all those things -- and the main thing is also to convince the employees that you have to be professional and ethical. Once they believe that management will back them up if they are ethical and professional and not lay them out and do nothing, then you will increase the whole stature of the department.

But until you make that commitment, employees are going to sit back and not do anything because they have no faith that management will follow through on their complaints.

COMMISSIONER KANEB: Well, you have made it clear that you believe -- whether the union has too much power or not I guess is a matter of what's too much and what's enough.

But there's no question in your mind they're very powerful.

MR. JOSEPH GUNN: Very powerful.

COMMISSIONER KANEB: Do you think that this type of equipment would be embraced or rejected on the grounds that, you know, it's going to be used to
hound officers and so on, or embraced on the grounds that it will, in fact, deter problem behavior probably before it ever happens?

MR. JOSEPH GUNN: They should embrace it, just like officers are now embracing cameras in the police cars. Because not only will it deter bad behavior, but it will also disprove false allegations. That if an inmate says that a guard has assaulted them and the camera shows that nothing took place, the officer should embrace that evidence as removing that blemish from their record.

COMMISSIONER KANEK: Right. Thank you.

CHAIRMAN WALTON: Let me just ask one question also.

Did you make any recommendations about how administrative proceedings for discipline should be handled?

MR. JOSEPH GUNN: Yes. We recommended that it be removed from the State Personnel Board and that within Department of Corrections a panel be set up based on the senior members of corrections. And you could even include an outside civilian pool to be part of that panel, where an officer who receives beyond the certain, whatever you want to set it, 30-day suspension or whatever, could appeal to that
panel and then have what they call a board of rights, where that panel would then sit down and make a judgment as to the guilt or not guilt and exercise their authority.

But it's important to keep it within the department because the State Personnel Board has no knowledge of what's going on in the prison.

What normally happens that we found out in our investigation is the corrections department sends over a representative to the hearing who is a staff member with no legal training. The union sends over the officer with some of the most high-powered attorneys in town.

They overwhelm this corrections officer who is presenting their case, and in the majority of cases, the State Personnel Board throws out the management's decision.

CHAIRMAN WALTON: Okay.

Well, thank you.

MR. JOSEPH GUNN: Thank you, sir.

CHAIRMAN WALTON: Appreciate it.

Okay. We are finished now with our last panel for the morning. And we'll reconvene at 1:45 for our last panel. Thank you.

(Recess taken from 11:49 a.m. to