1:47 p.m.)

CHAIRMAN WALTON: Okay. We are now ready to proceed with the final panel, which is entitled the "Impact of Staffing, Structure, and Prison Culture in Staff and Inmate Sexual Assault Misconduct Cases."

We have four witnesses on this panel. First, we have the director of the CRC Unit, the California Correctional Peace Officers Association in Sacramento, California; Professor Sharon Dolovich, who is a professor of law at the University of California at Los Angeles School of Law; Mr. Bryan Lowry, who is president, Council of Prison Locals, American Federation of Government Employees; and Isaac Ortiz, who is president of the American Federation of Government Employees Local 1010.

Thank you for appearing. If all of you would take the oath.

Do each of you solemnly swear or affirm that the testimony you will provide to this Commission will be the truth, the whole truth, and nothing but the truth, so help you God?

MR. JOE BAUMANN: I do.

MS. SHARON DOLOVICH: I do.
MR. BRYAN LOWRY: I do.

MR. ISAAC ORTIZ: I do.

CHAIRMAN WALTON: Thank you.

Mr. Baumann, thank you for being here.

MR. JOE BAUMANN: Appreciate your time, sir.

CHAIRMAN WALTON: Thank you. You may proceed.

MR. JOE BAUMANN: My name is Donald Joseph Baumann. I'm a correctional officer. I have been with the California Department of Corrections for approximately 22 years.

I'm the chapter president of the California Correctional Peace Officers Association, the California Rehabilitation Center in Norco. I have been the union president there going on nine years. I have been an activist with CCPOA for about the last 12.

The institution that I work at is the only coed facility in the California Department of Corrections. We house approximately 4,000 male and 700 female inmates in separate compounds.

My institution is funded for approximately 520 correctional officers. We had a brief exchange at the previous hearing at Folsom about inmate/staff
ratios and the inability to properly supervise inmates.

Someone on the panel -- I'm sorry. I don't remember the gentleman's name -- came back and said something to the effect of we enjoyed an 8:1 ratio on paper. Statistically on day shift, the busiest shift of the day, our ratio averages about 29 inmates to one staff.

Whenever you take into account days off, people calling in sick, going on vacation, off at training, so on and so forth, the 8:1 ratio diminishes extremely quickly.

My institution is all open dorms. There is not a single cell. The men's facilities average -- or the average housing in the men's facility house a hundred inmates. On graveyard you have one officer supervising them.

Female inmate housing is a hundred women to a unit divided up into rooms that house between three and eight female inmates with one officer supervising them.

At times supervision becomes an issue because of budget constraints. We'll run as high as 20, 25 percent vacancies as supervisors.

So you'll have whole facilities that have
absolutely no supervision. So it turns into Camp Run Amuck both directions. Right now I have a total funding of officers, sergeants, and lieutenants of 628 positions, and I have 76 hirable vacancies. And each one of those 76 vacancies generates an overtime shift a day. So I have 12 percent of my positions on any given day that are vacant, and someone either has to either volunteer for overtime or has to be mandated to stay involuntarily for overtime. It worked out real well on Thanksgiving. We only had two people ordered over. I'm anticipating probably close to 80 or 90 come Christmas and New Year's Day. So it becomes a driving factor. Recruiting retention for correctional officers in California has not been a very high priority with the current governor and leadership within the department. They're trying to correct the shortages, but because of political considerations, they closed our training academy for 13 months. They closed down background investigations for the same length of time, so trying to get the process back up to speed.
But currently between the institutions and paroles, we have almost 4,000 vacant hirable positions. I can't think of an institution off the top of my head that's less than 10 percent vacancies, and some are running upwards of 20 percent vacancies.

I have entire understaffed workforce that's just being run into the ground.

The department's gotten better in the last 18 months about filling the supervisory positions, but then that just generates more overtime for the supervisors, both mandatory and voluntary.

I just want to touch a couple of points that Mr. Gunn brought up in his earlier testimony concerning post and bid and other things.

I don't control 70 percent of the staffing at my institution. I sit down with my management and negotiate. My management takes the 30 percent of the jobs that they feel are critical for them to run. The other 70 percent go out to my members who bid on them based on their seniority.

You have other states that enjoy higher percentages. I believe New York and Massachusetts run 100 percent post and bid. I kind of found it ironic that I was overmanaging the institution, and
yet Mr. Gunn kind of made a point, at least I walked away listening to him -- or after listening to him, that management -- a bunch of appointees and not so much by merit but by political considerations and so on and so forth, but somehow giving 70 percent of the positions up by seniority was me impeding their ability to manage. I just found it ironic. Investigations, he brought up the point that my members get every shred of evidence before they go into an investigation. That is incorrect. The Peace Officers Bill of Rights in California provides certain protections for a peace officer going into an investigation. They have the right to representation. They have the right to know the course and scope of the investigation going in. It doesn't mean they get any evidence. They have the right to know what the course and scope of the investigation is. And they have the right to tape it. Our contract says that they get the notice of the time, the place, the person, and the course and scope in writing 24 hours before the interview. They have the right to all the evidence prior to going to the State Personnel Board once the department decides that they're going to take a
personal action against the employee. That's basic due process.

I just felt that his testimony was slightly skewed.

On the issue of the State Personnel Board and the recommendation that the department do its own internal -- or their own internal discipline and that we would appeal it to an internal board of rights is contrary to the California State Constitution.

The State Personnel Board has sued the Department of Personnel Administration for negotiating that away with the California Highway Patrol. It's something that we don't even have the right to negotiate one way or the other. It's mandated in the state constitution.

So anyway, the issue came up with cameras. And as long as it doesn't affect my already low staffing ratios, I don't think anybody has a problem with cameras being in the institutions. There are times where cameras catch employees doing bad things. Get them out of there.

We have a long history as an organization of going to the legislature, spending our membership's dues, passing legislation to enhance
training -- that's one reason why we have a 16-week academy and background investigations. We have a preemployment mandatory psych screen.

The formation of the Office of Inspector General was based on a bill that we sponsored. We've supported numerous media access bills that have been vetoed by the last two governors.

So anyway, that concludes my testimony.

CHAIRMAN WALTON: Thank you very much.

Professor.

MS. SHARON DOLOVICH: Chairman Walton and members of the Commission, thank you for the opportunity to speak to you today.

I'm a professor of law at UCLA's School of Law where I teach criminal law, legal ethics, and a course on prison law and policy.

My research focuses on the legal policy and normative implications of incarcerating convicted offenders.

Now, I have been asked to talk today about issues relating to prison rape from the perspective of labor. I should say I'm not a correctional officer, so I can't speak as someone with front-line experience.

Instead, what I want to do is step back and