Now I'm going to let my colleague, Mr. Ortiz, who actually is a local president over a federal complex which has three or four different security level of inmates there, go into that much further.

But with the decreasing in staffing that's going on because we're not being properly budgeted and we're being underfunded somewhere between 3- and 500 million a year, although our budget for the Bureau of Prisons is about 4 billion a year, that is causing us to have a decrease in our staffing level.

It is changing our policies. It is changing the way we conduct business. And we believe it is reducing our ability to supervise these inmates, control contraband, control drugs and everything else that can go wrong inside of a prison.

Thank you.

CHAIRMAN WALTON: Thank you very much, sir.

Mr. Ortiz.

MR. ISAAC ORTIZ: Good afternoon.

Isaac Ortiz, local president, Beaumont, Texas.

As he was saying, I represent a complex that entails a United States penitentiary, medium
security facility, low security and camp, and also
has an administration building.

I want to read you the Federal Bureau of
Prisons missions statement.

"It is the mission of the Federal
Bureau of Prisons to protect society by
confining offenders in the controlled
environments of prison and community-based
facilities that are safe, humane,
cost-efficient, appropriately secure, and
that provide work, other self-improvement
opportunities to assist offenders in
becoming law-abiding citizens."

I'm going to give you my experience and
what I think is happening. I don't have a prepared
speech for you. I'm very basic and to the point.

It's failing. The only thing they're doing
is saving money. That's the bottom line.

Now, are we able to do our job? The answer
is no. We are trying every day.

Now, here, as far as the prevention of
rape, the truth is, it's hard to do that. It's hard
to think about the fact that when we monitor the
inmates coming to and from the facility that -- are
they safe? Can we find out who is doing it? Do we
find the victims? And the answer is no. The answer is no.

We do get -- or the inmates will say, hey, this guy just got hurt. He didn't say he was raped, but he got hurt.

So what do we do? We notify medical, and they come and pick him up. We don't know what happened, but we don't have the time. We don't have the staff for that.

Now, you have a shift lieutenant on three shifts: a morning watch, a day watch, and an evening watch. You have more custody on the evening watch. They have an officer on each floor. They cover both sides. But on day watch and morning watch, you have one officer on one floor monitoring up to 300 inmates.

Now, their responsibilities is to make rounds, and they count inmates. They move them when they work outside the unit, to go work in the kitchen, for example.

Now, when we're doing this, how much time do they have to go take the time to go rape an inmate? Well, they got plenty of time. What are we supposed to do with that?

Now, we're understaffed, and you've heard
that from everybody. You've heard about the
problems. We're understaffed. We don't have money.

But have you asked yourself, why haven't
the inmates taken over the institutions? You know
why? Because they're running it. Why would they
want to take it when they already run it? They
dictate what goes on in those prisons. Management
is at the mercy of what the inmates decide to do.

Now, the director probably came in here and
talked to you earlier how it's efficient, we're
doing the best we can, we have the proper
investigative measures. It's true.

He is investigating every inmate
allegation. He is. But some of them are false
allegations in order to hold up the process. The
real victims are the ones that were really raped or
beaten or killed.

Now, as he was -- as the counsel was saying
that a lot of times they're not reporting this
anymore. You don't have it on the Bureau of
Prisons' Web site. You used to have all that.
They're not reporting it. They're considered minor
incidents. They don't want the taxpayers to know
what's really happening.

Now, my experience, I was in the military
during Desert Storm. I honorably discharged at that point. I wanted to continue my service, and I went to the Bureau of Prisons. And I continue that to be ethically and morally right. I'm an officer first, and I'm a union president after that.

I do believe that we are fighting a tough war out there. But ask yourself this: How come they're not running over prisons? Because the inmates are running it. That's part of the problem, that the inmates are being raped. They're also being beaten up. They're also getting killed. But it's a power struggle within the system.

But what can you tell the taxpayers? We want more money? And that's the problem. It's not politically correct to ask for more money.

What the union does, as far as a federal union -- it's not about power; it's about doing the right thing. We want the environment safe for staff. If it's safe for staff, then it's safe for inmates. That's the bottom line here. Because we're not asking to be -- and there's no civil servant that I know that's rich. So evidently we're hired and we want to be here. That's the thing about us.

I've heard a lot of things about the
officers are just turning their head and allowing an
officer to rape a female.

Well, I worked in a female pretrial
holdover as well, and I am still here. I have been
in the bureau 15 years. So evidently there are good
officers out there. And this is the majority. It's
the majority.

But what do you do? You hear about a bad
incident, and you blow it up. So who is at fault?
We can point fingers at each other all the time. Is
it poor management? Is it the dirty staff? Yeah,
you have dirty staff, but they get screened, they
get investigated, and then they get hired and
they're on probation for a year.

So evidently they did something right for a
year. But nobody's monitoring these officers to
say, here's a problem with him. He's quiet, he
talks a lot to this particular inmate, but we don't
know, really, if there's anything wrong. The basics
of an officer are there, so we go ahead and pass the
probation. So then he's got even more freedom at
that point.

But under a federal system, is it snitching
or is it the right thing to do to report when an
inmate's being raped? It's the right thing to do.
It's not about being snitching. It doesn't look bad on inmates or staff. It's the right thing to do. And we have good staff there, but the bad staff fell through the wayside. They made it. But they get magnified.

Now, Beaumont a few years made an article, and I think it was "People" magazine. And that they had the highest percentage rate of being positive for the use of narcotics. Well, they were trying to figure out how that's coming in. It took them a long time to figure out that it was some staff. Not many, but a few. And that's the same thing when you have about rape, is that there are some bad staff there. And as an officer, it affects me as well.

Now, I wanted to address the code of silence. I think that's back in the '30s, the '50s, or the '60s. But the '70s, they had this hands-off mentality for the Bureau of Prisons. And so they were in -- looking into staff behavior and how they were conducting themselves with inmates. We don't curse at them. We don't physically beat them up. We protect ourselves when we are being assaulted.

I would like to add that a U.S. penitentiary -- because we have a lot more female
officers. They have been assaulted. In fact, the
director who took a tour of the United States
Penitentiary, the female officer was assaulted that
very day when he made tour of that penitentiary.

And what did that tell you about what the
inmate's mentality are? They don't care. They
don't care. So they decide what goes on, and when
it happens, it happens.

What did the director do? Did he lock it
down? Was he concerned about it? No, he wasn't.

What did we do? Did we go in the media and
say how bad management is? That's not the issue.
We had to deal with it locally. What can we do
about it? We want to prevent assaults, period. But
what is the answer? What can we do?

If you talk about raising money again, it's
a moot point. It's not politically correct. You
want to put more staff in there, fine. But what are
they going to do? Then they build more prisons, but
they don't staff it right. You build more prisons,
but you still have the same problem.

So the mission in the Bureau of Prisons is
failing.

Now, take the incentive away for some of
these managers who get bonuses. I don't know if you
asked the director that, but they do receive bonuses for being under budget. At what expense? This is part of the problem here, and it needs to be addressed. I don't know what the answer is.

I know there's good employees out there trying every day. And they're calling me now.

Tonight I'm going to tell them, what did I tell the Commission? I told them the truth. But I don't have an answer. But I can tell you there's federal employees that are still trying.

That's all I got.

CHAIRMAN WALTON: Thank you very much for your testimony.

Mr. Baumann, what does a correctional officer in California -- what's the starting salary?

MR. JOE BAUMANN: You would have to ask me that. I can't remember what it is off the top of my head. Roughly 32-, $33,000, if I remember correctly.

CHAIRMAN WALTON: We're involved, obviously, in fact-finding. We're trying to assess why problems exist, and we appreciate your appearance and your testimony.

We have heard on several occasions, including during this hearing, about your