JUDGE GIBBONS: Good morning.
Professor Levenson.

MS. LEVENSON: Thank you, your Honor.

Good morning, Commissioners, ladies and gentlemen. My name is Laurie Levenson. I'm a Professor of Law and the Director for the Center of Ethical Advocacy at Loyola Law School, and it is my privilege to welcome the commission on behalf of the entire Loyola Marymount University community. We are indeed proud to host you for the important work you do.

This is a university that is committed to social justice and we share your concerns about the conditions of our prison system. In fact, these hearings could not be timelier; this past week 2,000 inmates in our California jails here in Los Angeles County rioting, leaving one man dead and scores injured. Our sheriff has called an emergency situation and segregated the inmates, something the Supreme Court decided last year should not be done except for an emergency circumstances. Well, indeed
it seems like almost every day it is an emergency circumstance given the condition of our prisons. These riots and the abuses are only the tip of the iceberg for prisons throughout the nation.

Loyola Marymount University firmly believes in a commitment to all our fellow human beings. Before these hearings I had an opportunity to talk to Commissioner Green and as he so aptly put it, all people have value, including those who are sitting in our prison institutions. This is especially important when we recognize that one out of every three young African-American men in our country is in our criminal justice system. This issue takes on new importance. We indeed recognize the enormity of the task, your task.

There are 2.2 million people incarcerated in American prisons, 13.5 million spend some time in jail, the financial investment is 60 billion, although that's probably not nearly enough. California alone has 33 state prisons and 40 camps. We are the third largest penal system in the country. Our budget is 7.4 billion, with a B, and our prison population is approaching 200,000, yet some of our institutions, San Quentin and Folsom, opened in the 1800s. San Quentin opened in 1852 and Folsom in
1880. And, of course, it is not just the condition of the physical facilities that poses a challenge, it is the hiring, training and policies for those who work in the institutions and those who make policies regarding them. It is critical that we have the type of examination you are providing; oversight and, most importantly, reform.

Last year our governor declared our prison system as, quote, "dysfunctional" and called for a major rehaul in our criminal justice system. Through the work of your commission, we hope that our state will be able to do that, as well as prisons throughout the country.

I know that you have assembled the best of the best for the task. It has been my honor to work with Commissioner Judge John Gibbons when I was a clerk for the Third Circuit. I experienced firsthand his dedication and expertise in everything that he touches, and I know that the other commissioners also bring those types of qualifications.

While we work here we will lend you some of our best and brightest, including Merrick Bobb, our court-appointed monitor for the L.A. County Sheriff's Department, and they, of course, will be joined by experts from around the world.
I want to simply thank you for honoring us by allowing us to host this commission and your work. With all the people incarcerated in America, who do not have a voice but have a stake, we all have a stake through our community in what happens in our institution, in the human dignity, in the lives, and the safety and the future.

On behalf of President Robert Lawton and the entire university, we thank you for your work and we welcome you, welcome to Loyola University.
And good morning, everyone. I'm John Gibbons, the co-chair of the Commission on Safety and Abuse in America's Prisons, and I welcome you to the commission's hearing and express our thanks to Loyola Marymount University for hosting us and to Professor Levenson for welcoming us.

We're a national commission looking across the country at both problems and potential solutions, and it is fortunate that we are here in the enormous State of California where people managing penal institutions are grappling with enormous, tough problems. This is the commission's fourth and final hearing and the focus of our work over the next two
days is on oversight and accountability.

As my friend and co-chair of the commission, former Attorney General Nicholas Katzenbach, said recently, "The questions 'Who is watching' and 'Who is responsible' underlie everything else this commission has discussed since we began our work last March." They are the beginning and end of dealing with all of the problems we have examined. Nick would tell you that himself if he were here, but an illness in his family at the last minute prevented him from making the trip to Los Angeles.

Let me tell you just a little bit about what we're going to hear today and tomorrow. There will be a great deal of conversation about what correctional systems are doing to overcome or to, rather, to oversee their own institutions beginning in just a few minutes with testimony by Roderick Hickman, Secretary of the California Department of Corrections and Rehabilitation. Over the course of the hearing you will hear from several other senior corrections administrators. You will also hear from individuals who are overseeing corrections from the outside, from California's Inspector General Matthew Cate to Judge Myron Thompson, who serves on the
United States District Court for the Middle District of Alabama, and there will be moments over the next two days when "ultimately at stake" will become crystal clear.

I'm thinking particularly of Victoria Wright who later this morning will tell you about her husband of 33 years, Jay, who was convicted of a white collar crime and died last August in a California state prison just three months into his sentence, perhaps because he did not receive the medication he needed. I'm also thinking of the troubling events of this past weekend in two jails here in Los Angeles of which Professor Levenson spoke about.

We should all remember that prison walls don't separate the incarcerated from society. Every corrections officer goes home at the end of the shift, nearly all prisoners are released at some point, and we hear this morning that even prison gangs are not just a prison problem. Gang activity inside the jails and prisons both feeds off and fuels gang violence in the community.

This should be a fascinating hearing, and now we will hear from Secretary Hickman.
MR. HICKMAN: Good morning and welcome
to California. I hope this meeting will be
ductive and informative for the commission.
I'm very grateful to have the opportunity
to address this group today. Quite frankly, no one
denies that violence occurs in prisons and jails in
this country. As you alluded to earlier, just
looking at this past week in newspapers here in Los
Angeles, you can see there is a very serious issue in
this country. In an ideal world we can eliminate
violence in prisons and jails but just as we
acknowledge that it is not possible to eliminate
crime in society, it is not possible to completely
eliminate violence in prisons. By the very nature of
prisons, many of the environments and circumstances
and offenders that are sent to prison have a greater
tendency to be violent than most of the general
public. Therefore, it is the responsibility of the
people like myself and those of us who run the
prisons and detention facilities to ensure violence
is kept at a minimum.

What allows us to minimize violence is an
understanding of how often violate acts occur, where
they occur, and why. It is important to acknowledge
that stories about isolated incidents have limited
value when it comes to managing the entire facility
or the entire correctional system. The California Department of Corrections and Rehabilitation has had some difficulties relating to staff to offender violence in the past.

Take the Madrid case out of Pelican Bay State Prison. In January of 1995 the federal court concluded that, among other things, the use of force against prisoners of Pelican Bay violated the prisoners' constitutional rights. The courts ordered California to remedy the problem and appointed a special master, John Hegar, to monitor the implementation and compliance with a remedial plan.

In 2001 the court concluded that the use of force policy in California, the application of that policy, the training and evaluation and executive monitoring of that policy, was constitutionally sufficient.

It is important to acknowledge that Pelican Bay is not representative of a typical state prison. In the classification process of prisoners in California, Pelican Bay is a security housing unit is essentially, as defined in other parts of country, a super maximum-security prison. Its prison population is comprised of some of the most difficult to manage prisoners that we have in the California
However, as a result of the systemic problems with investigations in California and employee discipline identified by the Madrid special master in April of 2005, the California Department of Corrections and Rehabilitation implemented statewide employee disciplinary measures and revised our discipline procedures and investigative processes which I imagine Matt Cate will talk about when he is here in his oversight role.

Also in 2005 we implemented ethics and code of silence training for all employees in California. The training outlines our expectations regarding employee behavior, performance standards, and a requirement that in the culture of corrections staff come forward and report.

The Bureau of Independent Review which is in the Office the Inspector General was created to provide an external process and realtime oversight of investigations in employee discipline in California. The court recognized our efforts to the point where Judge Henderson has acknowledged the cooperation and support of this administration and very well, very soon, I believe, and this is one of the dangerous things you do as secretary, predict the future, I
believe that he is going to report very positively about the Department of Corrections role in that and move towards eliminating all oversight from the federal court and move into the oversight of the process that rests now with the Inspector General's Office.

So despite our history in California, I urge the commission not to generalize that past and to presume that it is the same everywhere else. We have significant challenges in California. As Michael Jacobson, the Director of the Vera Institute, has observed, California somewhat skews its statistics. Despite the numerous challenges facing us in Pelican Bay and elsewhere, as well as the complexity of reorganizing the largest correctional system and the largest organization in California, we have made progress in cutting violence in our prisons. Violence in the state prisons in California is an ongoing issue. In 2004 there were 7,170 incidents of offender-on-offender violence in California in the adult system. While there's no hard data available concerning the causes of that violence, the following are some of the most commonly recognized, contributing factors to that.

Overcrowding in California is a significant
contributing factor. In our juvenile justice arena,
even though our population is not as significant, the
staff-offender ward ratio and patterns do not allow
the staff the time that we believe is necessary to
interact with youth and to provide direct
supervision, instructional activities which we
believe would reduce violence and cut down on
provocative and potentially volatile situations.

As you alluded to earlier in your opening
comments, prison gangs, street gangs and security
threat groups are an issue; the introduction of
alcohol and substance abuse. And, of course, as you
talked about in Los Angeles, you can't ignore and we
have to be able to be big enough to talk about race
and the issue of race in prisons in this country.
Those are some of the contributing factors that lead
to institutional violence.

There's a cultural issue and a code of
ethics that we have to talk about within the systems
of California. As you alluded to, one of the things
that I do as a secretary on an ongoing basis is work
very, very diligently with my staff so that they
understand that their culture, their ethics, their
values are one of the most important things they
bring with them each and every day that they walk in
the prisons of California and supervise offenders, and that we have a responsibility to provide direction and model social behavior to the offender in our charge and not to move into another code of ethics as a result of your environment that you work in. Mental illness is a significant issue in California, as is sexual misconduct.

We recognize that inmate and staff safety is a top priority to us and we are working towards developing evidence-based mechanisms and programs that can address that. Some of the things that we have done in our department to reduce, and we hope to see the results soon, is we have started changing our classification system to classify people differently to improve upon safety. We have looked at pilot programs that can allow for step-down and programmatic changes in the areas of security housing units where people are coming out of lockup environments and moving into the general population.

We're working towards racially integrating and moving toward a policy that will have us racially integrated in our reception centers as people come in.

I had a chance to talk to Sheriff Baca this weekend about the significant number of prisoners that come from Los Angeles County into the California
system and how one of the most important things I think we can do across the country and within the state is to have better communication and better understanding from a programmatic standpoint in California on what we're doing when people come into the system and what we're doing with communities when people go out of the system. We have pilot programs in San Diego to do just that, to talk about that process upon receipt into the institution and talk about that process and the community's responsibility upon return. So there are numerous things that we're doing in California that I think are systemic and can be used as a model. The model that we currently have in California is not the model that we want to leave; the situation that we currently have in California is not the situation that we want to maintain. I think that Governor Schwarzenegger has made it very clear in his direction to me that corrections are supposed to correct and we have a responsibility to improve upon the services that we provide here in California.

So with that I welcome you here, I thank you for taking the time to look into a very sensitive issue, I ask you for objectivity, and I ask you for an opportunity to continue to participate in the process as you go forward. So thank you very much.
and welcome to California.

JUDGE GIBBONS: Thank you.

MR. HICKMAN: Any questions?

JUDGE GIBBONS: Do members of the commission have any questions of Mr. Hickman?

MR. HICKMAN: Good. Thank you very much.