Our first panel of this hearing will offer three personal accounts. On behalf of the commission, I'm pleased to introduce our witnesses.

Mr. Pernell Brown is a reentry and gang specialist in Portland, Oregon. As a former member of the Bloods and having served seven years in prison, Mr. Brown will provide his personal observations on the link between gangs, drugs and violence in the prisons and what assistance intervention from both corrections and community can help to break this link.

Mr. Gary Johnson was the Executive Director of the Texas Department of Criminal Justice until his retirement in 2004. Mr. Johnson will discuss how federal oversight of the state's prison system over a 30-year period affected his work as he rose through the ranks from corrections officer, to warden, to executive director, and what impact it had on the
department's practices.

Mrs. Victoria Wright, who was married for 33 years to Jay Wright who was convicted in 2005 of a white collar crime and sentenced to three years in California's prison system. Mrs. Wright will describe what led to the death in just three months into his sentence and the efforts she had to undertake to bring his full story to light.

These personal accounts will set the stage for the panels which will follow today and tomorrow giving context to the issues of oversight, transparency, accountability and understanding violence that we hope to address during this hearing.

I would like to extend my very sincere thanks and appreciation to the members of our panel for their willingness to take time out from their lives to share their personal stories with us.

We would like to begin with Mr. Brown.

MR. BROWN: Hi. My name is Pernell Brown and I'm a former member of the Bloods as Honorable John Gibbons was saying.

I was convicted of assault with a deadly weapon in 1989; 10 years with a five-year minimum. I did seven years out of that 10-year sentence. I was convicted of assaulting a Crips gang member. And
there's a guy that killed a friend of mine that was a
Crip from the Rolling Thirties out here in L.A. and I
got retaliation behind that.

During my early stay in prison I had a
gangster mentality whereas there was no need for
school, there was no need for any type of
rehabilitation to crack my thinking, it was all about
me surviving inside the prison system. I had three
older brothers inside the prison system and so I was
just -- I was banged out, there was -- nothing else
mattered. I lost my mom. I didn't say that in here,
but during my stay my first year there my mom passed
of cancer and that right there was enough to send me
over the edge.

I done a lot of time in isolation for my
behavior inside the prison system. Then when I got
out, it was all about learning the prison system, how
I can manipulate the prison system, and who and what
I could get away with. Drugs was the number one
thing that I learned inside the prison system. Then
after they took to tobacco, drugs didn't have that
much affect, then the tobacco did, because everybody
needed tobacco and so tobacco became a way of
survival, it became a way of making money inside the
prison system, and it is still is right now today.
I was one of the guys that was known for fighting a lot, known for -- I was more of a leader type of guy because I had older brothers inside there that put me on and me being the person I was, I was quick to fight, I was more of a leader, and when new guys came in it was a breeding ground for new guys, especially younger guys, 18, 19, coming through the prison system, being remanded from juvenile to adult, who was looking for some identity. And being the gang member that I was, I gave them some identity, you know, and just put them on, you know. What I mean by put them on, you down with this right here and this is your job, this is what you have to do, you know.

And I have got a scar above my left eye right here where I got into -- it was almost like a race riot with the White Supremacy, it was just me and him, and everybody who knew what was going down was isolated in this incident. And after that incident right there I had to prove myself with the White Supremacy is that we ain't going for this, you know, because in Oregon a lot of White Supremacy runs quite a bit of stuff out there but once you establish yourself and your position, there is a difference. It is all about survival inside the prison system.
and my job was to look out for my crew, to lead my
crew, you know, and hook up with the people that can
make it happen, you know.

The prison system is corrupt, there's no
secret about that. I had guards bringing me in
tobacco, you know, making things happen, and it is
still going on right now today, and you can spend
$300 on tobacco and make 3,500. I mean, that's a
month's salary right there as a corrections officer,
you know. So once the tobacco was eliminated, it was
just an open market for almost everybody that wanted
to get involved.

After serving three years of my sentence
inside the prison system I got into the Nation of
Islam where it opened up my eyes about certain
things, you know, and a lot of talking about how the
system did this and how the system did that, but we
did it to ourselves. It wasn't the white man this,
the white man that, because we were killing each
other at a large rate. Black-on-black crime was what
it was, you know. And by me learning the struggle,

learning who I am and learning what I was, opened up
my eyes to a whole lot of different things, you know,
about my identity, about who I am, about my
ancestors, what they did to get me to where I am
today, you know. And once that light came on, it was hard to turn it off. And I had a different vision from their own about being a gangster, you know, because it didn't take much to be a gangster once I figured out what it took to be a gangster. I mean, a three-year-old, a four-year-old can be a gangster, can be a gang member, but to be able to walk away and to be able to do different things and be responsible in today's society, it takes a man to do that. And my father neglected me when I was younger and so I just jumped on board with my brothers about the stuff that they were doing and I thought that was the way that things was supposed to be done, but little did I know was that that wasn't the way society worked and it took some older guys inside the prison system to really teach me some of the things my father didn't teach me, you know. And I remember him saying that "You can't become a man until you've held one's hand," and those brothers inside the prison system coached me along to be a better person.

I'm an ex-drug addict. I got hooked on drugs inside the prison system, you know, and talked about -- I never knew anything about N.A. or A.A. or any of that stuff so when I got out of prison, I had a drug habit when I was released from prison that I
never had before. I got hooked on drugs inside of prison, and getting out of prison and to be able to cope with that addiction, that's why I'm wearing this chain around my neck, is the day I got clean, the day I stopped drinking and all of that, you know.

And right now today I have two sons in college, one just turned pro, he play in the National Soccer League; I have one finishing up his degree in Portland at the university, and I have two daughters, and I am the proud grandfather of five grandchildren who I have custody over, me and my wife. You know, it has been a battle and it has been a struggle, but it is nothing compared to where I came from and where I'm at.

I now work inside the prison system as a drug and alcohol counselor, the same prison that I did the seven years at, and for me to go back inside there, and some of the guards that still work there, some is cool with it, some is not, that's not my problem. My job is to go in and do a job because I have a mortgage too, you know, and that's what I do. Also I'm a gang outreach worker where I am now dealing with two guys. One guy just beat a murder case and he got caught with a gun with a silencer on and he is on my caseload, and there was a
good friend of mine whose son was involved in that, he had a gun on him too and they were in the same gang, so I'm working with the court with these guys.

I work hand in hand with the guy I spoke about earlier who shot and killed, murdered a good friend of mine, and the guy that I assaulted was also a friend of his. Me and him work, our desk is right next to each other; is he an ex-Crip, I'm an ex-Blood, and we work hand in hand with these guys and whenever we get up and talk about some of the things that we did and where we at right now today, they talk about, well, how can you guys get along. We focus on similarities, not differences, and Carl Rucker is his name and he is a good friend of mine and we do panels around Portland to all the high schools around and it is just a hell of a job for me to have a friend like him; to be able to set aside our differences, and a lot of people that know us inside that community know where we come from and know some of the things that we have done and to keep these youngsters' focus on new things.

They're not being taught some of the stuff we teach them. We teach them about building credit, about keeping a clean record, not having felonies, something that we don't have, but it don't stop us
from getting to where we need to go. It is our
obligated duty and job to inform these youngsters
about having good credit, about how to build equity,
about how to rent a home, how to own a home, you
know, because the prices are steady going up and if
we don't teach these guys how to rent a home, how to
own a home, they will be renters for the rest their
lives. So thank you.

JUDGE GIBBONS: Mr. Brown, were there
times when gangs or gang leaders inside the
institutions worked to maintain order in the prison?

MR. BROWN: Yes. Especially with the
youngsters that's coming in. You have to put a tight
leash on some of the youngsters because there are
certain rules and regulations that even inside prison
that must go on and most of the leaders do have to
maintain some of these youngsters that's inside
there.

JUDGE GIBBONS: Does that suggest that
sometimes prison administrators or administrations
encouraged or tolerated gangs?

MR. BROWN: Well, the administration
can only do what they can do and gangs will always be
there regardless; in the institution, out of the
institution, there's only so much that the staff can
do. Because I know the staff's number one goal is
safety and prisoners are violent and that's just no
secret and so the administration -- once it is going
down, it is going down, there's nothing that the
administration can do really about it. They can lock
us up, put us in a hole or whatever, but once it is
going down, it is going down.

JUDGE GIBBONS: What recommendations
would you give to correctional administrators or
staff to help reduce gang-related violence in the
prison or jail facilities?

MR. BROWN: Open up programs like the
there's a program we have called Going Home or Going
Home Program that we implement and it is just for the
STGs, the serious threat groups, and we have focus
on, we have Bloods, Crips, Arsenios, Serenials,
Skinheads all in one group and we focus on
similarities and not differences and we teach them
the importance of going home instead of getting out.
Getting out is just a function of getting in. Going
home is you are going home to stay with your family.
So we need more programs that work with all of them
together and not separate.

JUDGE GIBBONS: You mentioned that some
corrections officers were not models of good social
behavior and may be as crooked as some of the
prisoners. Would you elaborate on that.

MR. BROWN: Well, the prison system is
growing younger and younger and so is the staff. The
staff is getting younger too. And once you have been
inside a prison for so long you become an inmate
because your whole -- you are doing time with
everybody else, you know. You are a prisoner
yourself inside there. You've got 30 years inside
the prison system, I mean, you have seen them come,
you have seen them go, you have seen them come back,
and there's corruption everywhere. Not all but some,
you know.

JUDGE GIBBONS: Do other commissioners
have questions?

MS. ROBINSON: Mr. Brown, I'm not sure
I understand. Are you saying that you think gangs
are inevitable in every prison? Because we certainly
see many prisons where there are not gangs; prisons
that hold -- that are maximum security, that are
well-managed where there are not gangs, so I'm not
sure I understand your point on some of that.

MR. BROWN: Say it again? What's your
question?

MS. ROBINSON: I'm sorry.
I thought I understood you to say that
gangs are inevitable in prisons. Did you say that?

MR. BROWN: I'm not sure.

MS. ROBINSON: Do you think that gangs
are inevitable to occur in prisons? I heard some of
your testimony to say that they're always going to
happen.

MR. BROWN: The violence inside
prisons?

MS. ROBINSON: That gangs will always
occur.

MR. BROWN: Gangs will always occur,
yes.

MS. ROBINSON: Then why do we see many
prisons where gangs are not occurring?

MR. BROWN: A lot of prisons are
minimum-security prisons.

MS. ROBINSON: No, I'm talking about
maximum-security prisons where gangs are not
occurring.

MR. BROWN: Well, all the prisons I
have been into, there are gangs everywhere,
especially in L.A. There's going to always be gangs
inside of prisons, outside of prisons, and there will
always be violence.
MS. ROBINSON: Well, I'm talking about prisons in other states. Thank you.

JUDGE GIBBONS: Our next witness is Gary Johnson, a career employee of the Texas Department of Criminal Justice, advancing from corrections officer to executive director during a time when the Texas system was under federal oversight.

Mr. Johnson.

MR. JOHNSON: Thank you. Thank you for the invitation to come speak to you this morning.

In 1972 an inmate named David Ruiz filed a handwritten complaint with the federal court in Texas and that complaint eventually became a class action lawsuit known as the Ruiz case. That case was filed before I ever put on the uniform in 1973. And when I became the executive director in 2001, about a year later, after much work had been done on this for three decades, the court of jurisdiction was terminated in June of 2002.

As a result of that lawsuit which impacted virtually all operations in the Texas Department of Corrections; health care, staffing, law library access, inmates exerting authority over other inmates, capacities, standards,
When the court ruled in 1978 for the first time and found the Texas Department of Corrections did have unconstitutional conditions, a special master was appointed, Vince Nathan, and for many years Texas was subjected to quite stringent external oversight provided by the courts.

Now when I first went to work for the department back in 1973 the department was -- any kind of oversight was alien to the department. And over three decades from various different perspectives and angles, because I took a somewhat non-traditional route from correctional officer to executive director, I watched the system evolve from one where oversight was alien, to where oversight actually became somewhat systemic and even institutionalized, just a way of doing business. No doubt that that began with the Ruiz case and external oversight. The tensions and pressures that were brought to bear by the external oversight was a catalyst for the creation of an internal oversight system in the eighties, and today there are a number of very strong internal mechanisms within the Texas Department of Criminal Justice to provide oversight. The external oversight, the court-mandated
overight which ended in 2002 was, in my opinion,
critical to the success of the department over those
three decades. It was many times painful in the
short run, very critical in the short run, but very
productive when you look at what happened over a
30-year period.

Over that time, even though sometimes the
relationship between the department and the Special
Master's Office or the plaintiffs' attorneys could be
very contentious, quite often we might not agree, but
what happened over time was the development of a
mutual respect for each other's professional
responsibilities and knowledge of the prison
operations. They provided an important resource, I
think, for the directors through those three decades.
And although external oversight in the form of court
oversight ended in 2002, the department today still
works in some respects with external entities for
oversight, they still seek accreditation for the
facilities, and periodically will have consultants
come in and do some audits or inspections of specific
operational areas.

But I would say to you that although, and I
do want to make sure I make a point that over these
three decades when that external oversight was first
introduced, the agency was very resistant to
oversight and that resistance over a period of time
certainly diminished and moved from, as I said, one
of resistance to one of a mutual respect and
acknowledgement of the value that can be gained from
oversight. But I would want to say to you that as a
former director, I know there are some current
directors in the room, that although we share, I
believe, the opinion that oversight, external
oversight can be valuable, it could be a real
resource to have eyes other than your own or those of
inside your department, it could be very valuable but
it can be a very complex, dicey issue for an
administrator.

Administrator, correctional administrators
especially, live in a very politicized, pressure-
packed environment and absent court mandates or a
legislative mandate for oversight, the directors can
assume a certain level of risk by inviting oversight
into their departments. I would hope that one thing
that you, as you contemplate and deliberate the
issue, is that you would have an understanding that
correctional administrators do value external
oversight, but also acknowledge that many times it is
a very complex issue for administrators. I think we
have to continue to try to diminish polarization of silence, we have to acknowledge that we, I think, all want the same ultimate goal which is more humane, safer run prisons in this country, and to the extent we can continue to develop a mutual respect for each other's positions, I think there can be a lot of progress made in this arena.

So with that, I will end my remarks and take any questions if you have any.

JUDGE GIBBONS: You suggest that transitioning a prison facility from a culture of autonomy to one in strict compliance with court orders requires somewhat of a cultural shift on behalf of the staff and perhaps even on behalf of the inmates. Could you describe for us the interaction between the federal oversight on one hand and the staff and the inmates on the other.

MR. JOHNSON: Well, I'm not sure I understand your question completely but I will take a stab at it.

As I said earlier, there was a lot of resistance initially to external oversight by the courts back in the 1970s especially because for decades the department had operated without any oversight and the prisons generally around the
country had operated without very much federal court
or court intervention, so it was really viewed as an
intrusion into the domain of prisons to have others
coming in providing that oversight, so it took
culture which we talked about a lot, I guess, but
culture takes a long time to change, to make that
shift. It is a mistake for people to believe you put
out a memo and change the culture, it doesn't work
that way. It takes a lot of small steps, a lot of
leadership for a sustained period of time for people
to change the way they see the world. So for a
number of years it was a matter of changing the way
the employees of the system that were currently there
saw how they did their jobs, saw the value of
changing the way prisons were operated, and you have
to also remember that the inmate population has a
certain culture that has to be changed over time.
And then what happens over a period of decades is you
transition out employees who had been there before
the federal lawsuit, inmate population turns over, so
at some point, like today, for example, the vast
majority of employees that work for the department in
Texas, at least, have only known the system under the
current system, they weren't even aware of the system
that existed prior to court intervention, and in a
large respect the inmates were the same way. But I
guess the short answer or a long answer and I will
give you a summary of it, is that it is all about
leadership. You've got to have, I believe,
leadership inside the agency that will stand up and
work with the staff.

And when I mentioned the politicized
environment, the directors, of course, have to have
in mind the legislature, the inmates, the officers,
the victims, there's a variety of constituencies, but
the leadership is certainly the key to making
positive changes.

JUDGE GIBBONS: In the Texas situation
the change came about with the effective coercion of
the federal court. Could a similar culture change
occur through some sort of oversight supplied by the
State of Texas rather than the federal court?

MR. JOHNSON: Could that have occurred
in 1978 or in 2006?

JUDGE GIBBONS: Well, let's say 1978.
Was there any institution in Texas that could have
substituted for the federal court and been as
effective?

MR. JOHNSON: It is my belief that in
1978, that in order to make the changes that were
made in the Texas Department of Corrections it took court intervention to be the catalyst to move that forward. Now the reason I asked the question earlier, 2006 is a different -- we're in a different place. The department that exists today has no resemblance to the one that existed in the 1970s, so I think you have to take into consideration those kind of factors. You can't do this, I don't believe, make the jump that because it required court intervention in 1978, to make that movement that that would necessarily be the case in today's world.

JUDGE GIBBONS: And when you say there's different structures in place, what in the Texas system furnishes the oversight from outside the wall that the federal monitor was furnishing before the federal court stepped aside?

MR. JOHNSON: When you say outside the wall, do you mean --

JUDGE GIBBONS: Outside of the given institution.

MR. JOHNSON: Of a given institution?

JUDGE GIBBONS: Yes.

MR. JOHNSON: Well, of course, we are seeking ACA accreditation in Texas but beyond that, the agency has an entire division that their mission
is oversight and routine, periodic audits are conducted in every institution in Texas. Not only is there a division that provides operational oversight, but there's also an Internal Audits Division that reports not to the director but to the Board of Criminal Justice, and there's an Office of Inspector General that reports not to the director but to the Board of Criminal Justice, so there are several entities that exist within the department that either report to the executive director directly or to the chair of the Board of Criminal Justice directly, in addition to some of those external mechanisms that we have in place.

JUDGE GIBBONS: And what are the, in your view, are the characteristics of an effective oversight system?

MR. JOHNSON: Internal, external or just any oversight system?

JUDGE GIBBONS: Any oversight system.

MR. JOHNSON: I think that the persons that are involved in oversight need to have a clear vision of what they're trying to accomplish with a particular correctional department. I think there has to be, as I said earlier, some mutual respect between the administration of the department and the
group providing oversight, I think there has to be a
recognition of the complexities of operating large
prison systems, I think there has to be integrity
between both groups. And when I talk about mutual
respect or cooperation, I'm not talking about
coop ing, I'm talking about each entity doing their
jobs with integrity with the vision of wanting to
help that agency become more safe or more humane.

I mentioned in my remarks that I gave to
you that I think there are sometimes problems if you
engage in oversight where there's a single agenda in
mind. Not more comprehensive where you are trying to
help the department move forward or to become a
better department, but that's more single-issue
related. I think that would be a detriment to
oversight.

JUDGE GIBBONS: To be effective does
the overseer need political support?

MR. JOHNSON: I think to be effective
the overseer needs to at least be respected by the
political groups in the state. I don't know when you
say be respected, I don't know if you mean that that
person needs to be respected by particular
politicians or if you mean more just does the group
need to have a --
JUDGE GIBBONS: Hold on. Let me put it this way.

When the federal court appoints a monitor for an institution, that monitor doesn't need any political support, it has the United States Marshal Service.

MR. JOHNSON: Right.

JUDGE GIBBONS: When the oversight is supplied by the state's political process, does the overseer have to have something in the way of political clout?

MR. JOHNSON: Well, you are exactly right. If you are talking about a situation where the court has mandated the oversight, then certainly I don't think you have to have the political, the authorization or political approval to make progress. But if you are talking about a situation where we're not, it is not a court-mandated oversight but being promulgated by the study, I think it certainly at least is helpful for the overseer to have some clout, if you would, with the powers that be, because so much about, not everything, of course, but a lot about what happens with the commissioners is going to be about resources provided to them by the legislators and to that extent I think it is
important that they at least feel like the people
that are making recommendations for changes or
improvements in their prisons are doing so in order
to move the system forward and not because they've
got some other agenda.

JUDGE GIBBONS: Do other commissioners
have questions?

MS. SCHLANGER: You mentioned that your
statement talks more about the risks of unmandated
oversight and I assume, from reading your statement,
you don't mean the risk that something that's going
on that's bad will get discovered, you are not saying
about the political risks of oversight but an actual
operational risk in some way, and I'm really
interested to hear you spell that out a little more.
I mean, you say in your statement so I don't mean can
you tell me whether this has happened, I'm not asking
for that, I just want to understand what your concern
is about -- there are so many kinds of oversight,
about how those might work in a way that is
counterproductive rather than productive.

MR. JOHNSON: Okay. The internal
mechanisms that exist in most states to provide
oversight work for or with the director usually or a
board or commission, whatever they're called, and
that oversight can be a very good resource, a tool
for the director to find out what's happening in his
or her system and try to make improvements or make
corrections to that. It may be a report to the
legislature or legislative committee to make
improvements or changes. That's what we see in
internal audits, Inspector General and our
operational audits. But what I was referring to in
my paper, my remarks I submitted to you, is in a
situation where a director has no mandate
legislatively or through the court to bring external
entities in to look at their system but an entity is
allowed in, the entity has some particular agenda
that the director may or may not be aware of, and
instead of that group working with the director to
try to identify problems, make corrections,
submitting a report or a briefing for the director,
the director wakes up on the next morning and starts
reading in the newspapers the findings of the entity.

Now my argument is not about
transparencies, my argument is about that is going to
polarize the groups. Instead of having a situation
where you develop mutual respect and you try to move
forward with positive improvements or corrections of
something that might be, has been discovered, it is
more a situation where you have a contentious
relationship that develops with the entity and the
department and instead of that department then
wanting to or having a desire to proliferate external
oversight, they will truly start putting up more
walls and so that's sort of what I'm referring to.
The risks that are associated is if you have a group
that comes in and instead of working with the
director, the legislature or the agency has an agenda
of just pure exposure, no intent for partnership but
just pure exposure, then that director is going to
certainly have some risk associated with, you know,
why are you doing this absent a mandate to do it.
Does that clarify it at all for you what I
was referring to?

MS. SCHLANGER: Yes, it does. Thank
you.

MR. RIPPE: Mr. Johnson, based on what
you just said, you believe that the ACA accreditation
program should remain a voluntary program?

MR. JOHNSON: Do I believe it should
remain voluntary?

MR. RIPPE: Should remain voluntary.

MR. JOHNSON: There may be some, under
some scenarios some reasons to have some aspects of
ACA mandatory but I'm not sure what I said would impact that question that you just asked.

MR. RIPPE: Well, you were talking about the fact that when outsiders come in, if there's not a partnership, teamwork established as you try to improve the prison it can become polarized, become dysfunctional, so I'm thinking then about the notion of universally-accepted standards and whether or not those should be remain voluntary or should in some aspect be mandatory.

MR. JOHNSON: Well, I'm not clear on how my remarks talk about mandatory or voluntary, but I can tell you I support fully agencies, correctional agencies pursuing ACA accreditation and standards. I think it is very important you have a set of standards that people can aspire to that are sort of commonly agreed upon in the profession. Now when you start talking about should it be voluntary or involuntary, there are a plethora of issues that then surface regarding that whole discussion.

MR. RIPPE: Not the least of which are resources.

MR. JOHNSON: Not the least of which would be resources, right.

JUDGE GIBBONS: I think we have another
question.

MR. GREEN: I have a question in terms of oversight, and for it to be most effective, does there need to be both internal and external oversight? And I raise that because based on the constituencies that we're dealing with from the inmates, to the corrections officers, to the administration, to victims, to the families of the inmates, the transparency that would come from external it would seem to me would lend some confidence to the operation. Can internal really operate effectively without external, and also what should external look like? You've talked about what's in place in Texas. How should that oversight be put together, who should serve in that kind of capacity?

MR. JOHNSON: For external?

MR. GREEN: Yes.

MR. JOHNSON: Based on my experience testifying for the legislature, I will give you a sort of a two-part answer to this. Can an agency operate effectively with internal oversight only. Yes. I think, now, that goes to the whole definition of what is effective, but I would say yes, they can operate effectively.
The question I think is should they. Based on my experience I would say that if it is developed correctly, optimum would be internal, strong internal oversight mechanisms partnered or layered or in conjunction with external oversight, but I think there's real value in some of the pressured intentions that can be created from that external oversight. I think that those external eyes, again created correctly, could be a very valuable resource for a commissioner or a board or a legislature. How you create that or establish that external oversight, I don't have an answer for you right now. I can't tell you today what I think is the best way for any particular group or agency, entity, to develop that external oversight system, but I'm confident that with the commission like this and all of the experience that we have around the country that that can be done and be done in a way that will move corrections forward and will hopefully serve the needs of all the different constituencies.

Like I said earlier, I just believe, maybe, I hope after 30 years I'm not in the business of, I'm not overly naive, but I just believe that if we can find ways, and I believe that we have much more in common on this issue than we have differences -- we
do have differences, there's going to be differences
in approaches, differences in philosophies -- but I
think our ultimate vision of safer, humane, better
run prisons is common. I think we share that. I
think if we share that and we have a real commitment
to that, we can find ways to diminish the
polarization and move forward.

MR. BRIGHT: Could I just ask, one of
the questions was not just to have oversight, but
have oversight which accomplishes the change that
needs to be done, right? I mean, the Ruiz case not
only provided oversight, it changed a lot of things
that needed to be changed in the Texas Department of
Corrections. Am I right about that?

MR. JOHNSON: That's correct.

MR. BRIGHT: So if you have a group as
you were talking about a moment ago that comes in,
maybe you and the group agree, and it may be that the
group exposes this because that's sometimes a way of
bringing about change to say these prisons are so
overcrowded or whatever, but let's say at the end of
the day the legislature doesn't give you the money,
the resources to do what you need to do and it
compromises safety in these institutions. You are
understaffed, for example. The only entity that can
deal with that in a way that requires action is a
United States district judge, right? In other words,
the legislature has gone home, they haven't given you
what you need, and the judge says we just simply
can't tolerate this but you will be the guy to staff
this place up right, you got to do the things that
need to be done to protect people from abuse or the
court is going to order it in some way or another, am
I right?

MR. JOHNSON: I don't know if that's
the only way it would happen, but I certainly agree
with you that's a point well made.

JUDGE GIBBONS: I think at this point
we should move on to hear from Victoria Wright.

MS. WRIGHT: Thank you for hearing my
story or Jay's. This is hard for me. I hope I can
get through this.

JUDGE GIBBONS: Bring the microphone a
little bit closer to you.

MS. WRIGHT: I have never spoken in
front of the public before so I will read this but I
want you to know in writing this it was very hard and
I left a lot of emotions out.

Jay was convicted of a white collar crime
and sentenced to three years of incarceration. We
were told at the time that Jay would carry out about half the time because it was a white collar crime and because the overcrowding, from what I understand, in the prison system they do cut time in half for, especially for the behavior. And because it was supposedly going to be a minimum-security facility, he would go probably to a ranch possibly, and that Jay would get out in about 18 months, November 17th of this year.

I was married for 33 years to Jay.

MS. FIGUEREDO: Do it for Jay, Vicki.

You can do this.

Prior to the sentencing Jay completed all the necessary paperwork and medical testing that so that Jay would receive the proper medication for his existing heart attack. Jay had two heart attacks prior. He had the first one at 39 and the second heart attack at 46, I believe. When Jay was under tremendous stress, which running a business is stressful as you know, his heart would spasm which would give, we found out, a second heart attack, so when he was under a lot of stress his heart would spasm and he would have blood clots and have heart attacks. So he was put on Procardia on the first
heart attack of five milligrams and that did not
work; he ended up having another heart attack. And
Jay took that very serious. He exercised, he learned
to do some stress reduction in his life, he took
vitamins. They had proven that some of the vitamins,
niacin, magnesium, B12, B6 helped with his heart
condition along with the medicines which, as you
know, were denied Jay.

So I will read the rest of this because I'm
kind of moving forward.

When Jay checked into the Alameda County
Jail we provided Jay's prescription with him. I made
sure that he took it with him, the Norvas, five
milligrams, and he took Ecotrim, 81 milligrams, which
is an aspirin, and immediately upon entering the
system all of Jay's medications were taken away from
him, along with his personal property.

After the first 24 hours Jay was evaluated
by a staff doctor, I believe it was a doctor, at the
jail who changed his prescription back to Procardia
in lieu of the fact that Jay had been on it
previously and Jay informed that doctor that he had
been taken off Procardia because he had another heart
attack.

The doctor told him that they did not have
the Norvas and that they would just increase the
Procardia to 10 milligrams rather than the Norvas
which was five and it was not, the Norvas wasn't
available.

Jay informed them that we in fact had sent
the Norvas with him but that's not allowed, you can't
bring your own medicine into a county jail or I guess
even a prison system. I don't guess, I know you
can't bring in or provide the medicines in the county
jails or prison system because they're going to
provide the medical that you need, the attention.

When Jay was in the county jail he was
bitten by something. I went to the county jail which
originally that was not the plan, Jay did not want me
to go to the county jail and be subject to going
through the visitation and that, but after he arrived
there he called and I just couldn't stand not seeing
him. So I went to the county jail and saw him on
Wednesdays, Fridays and Sundays until he was
transferred three weeks, about three and a half weeks
later into San Quentin because we had been told when
he went to San Quentin that it was 30-day, 30 to 45
days of they call it a reception area and you have no
contact other than writing to your family; no phone
calls or no visitation, so I knew I wouldn't see him
for at least that 30 days or 45.

Jay was transferred to San Quentin on -- he was bitten by a spider in the county jail and got very ill. His leg, I went and saw him, was just enormous and he said he filled out a form prior. I guess you have to fill out a form to see a doctor while you are in the jail system, in the prison system, and no one acknowledged that. He said he filled out two forms. His knee was so swollen that he got a guard to look at his knee and then the guard immediately got someone to come in. Jay was given an antibiotic shot and a scraping to see if it was some kind of a staph infection.

And that was on Sunday when I saw Jay, he already had the shot, and he was supposed to go back on Monday to see a doctor.

I went home. I live in Arizona so I would fly to California, stay in a hotel, visit him in between the days and then try to go home on Sundays, go back on Mondays or Wednesdays to see him again.

On Monday I called to see if he had been transferred because every day he was supposed to be transferred. I didn't even know he was going to be in the county jail for the three and a half weeks he was there. In your mind you think you are doing a
plea bargain, everything is set, he would be moved
immediately to San Quentin. 30 days he would be
there; I would see him. That's what I had hoped.
So on the sixth I did call and Jay had been
transferred to San Quentin. And on one hand it was
good because the time and a half then started. We
were told once he hit San Quentin his time and a half
would start and then it would cut in half. So he was
transferred then.

And I then -- I got letters from Jay at
that point. I started getting mail from him. Jay's
first, one of his first letters, his first cell mate
was mentally ill and paranoid; he would talk to
himself. Jay said it was terrible in his letters.
The guy, he was off the streets, he refused to take
showers, he talked to himself, he would yell, he was
delusional. And Jay said he was receiving no
medication at that point. And when you are in a
six-by-eight cell, which is very small and two people
in this cell so when he would pace back and forth,
and never quiet, and it is very noisy there. Jay
asked one of the guards after I think Jay was with
this particular man for two weeks, almost three, he
was going out of his mind and he said he didn't sleep
because Jay was afraid.
So Jay asked to be moved and the guard said he would get back to Jay after the end of the day and see about getting him moved. And San Quentin is very full, it is over full, it has got way too many -- it has got way too many prisoners for as many beds that you can be in, so to move Jay I think was a big deal.

The man ended up getting upset with Jay for Jay asking to be moved and, in fact, attacked Jay and Jay defended himself. Well, my understanding is that you don't defend yourself in prison, you -- because if you do, then you are just as guilty, you have now committed a crime also. So Jay was put in the hole.

I didn't receive any letters from Jay, I didn't know where he was at at that point because my letters from him I got regularly. Well, when the letters stopped I panicked, I thought -- and I always worried that Jay would have a heart attack because of the stress.

And I called. All I got was is that maybe he doesn't want to write you. They didn't tell me where he was, they didn't tell me in fact that he was in the hole for five days. And the hole at San Quentin is across from Death Row and Jay in one of his letters, he explained that to me, he could see the people in Death Row. Everything is taken away
from you, I guess it is just a cell, that's it.

There's no writing material, there's no nothing.

They do send a psychiatrist to talk to you and Jay
did talk to a psychiatrist, he explained what had
happened, and she said she would look into it.

Jay went before the committee after the
five days. I have the paperwork. He was released
and moved without any reprimand because he was found,
I guess, not guilty for defending himself, so he
didn't -- apparently when you fight or have a problem
your time is added on to you because you've gotten
yourself into trouble, so Jay didn't end up with any
more time for that.

Jay spent about 70 days in San Quentin. So
much for the 30 to 45 days that he was supposed to be
there. The reception time should have been 45 days.

During the time Jay spent in San Quentin it
became clear that Jay was not receiving his mail. I
would consistently receive letters from Jay
requesting that I write and asking why I hadn't. All
the while I was writing. And I ovenighted the
approval form for the visitation which -- so you have
to be approved to show that you are not a criminal
yourself in order to visit someone in prison. And I
finally got that back and I was able to see Jay on
July 29th for one hour, through glass, in shackles, which was devastating for me.

In order to see in San Quentin in the reception area you have two-hour window from eight o'clock to ten o'clock in the morning. You call. You get on the phone and start calling and you just keep hitting "Redial" because it is busy and hopefully you get through because there are 3,000 people in the reception area and 20 spots for those people to see any of their family members during that time. The fact that I even got through I was told was a miracle in itself that I was able to see Jay because most people aren't able to ever get through. You get through and it is "I'm calling for a visitation with Inmate Jay Wright," but it is not Jay Wright, it is Inmate V81947. I did get through the one time, like I said, and I did get to see him. I'm not sure that that was the best scenario because all I did was cry, put more stress on him.

His letters told me that -- I couldn't believe that he was there. Anyway, I did see him. I talked to him for a short time, an hour. It goes very quick.

And Jay then was moved finally October 15th. August 15th, excuse me. I still called every
1) day trying to get to visit him and I never succeeded
2) in getting to see Jay again.
3) I called the 15th of August, and it was a
4) Monday, and it was different this time because when I
5) called and asked, and I'm not sure why I said what I
6) said, I finally -- I was shocked because someone
7) actually answered the phone. And I said to them, "I
8) want to talk to my husband."
9) And then the man answered, he was like,
10) "Oh, really?"
11) So I said, "My husband's name is Jay
12) Wright." I know it, doesn't matter, V81947.
13) And he stayed on the phone with me for
14) quite a while asking me did I know when Jay was going
15) to be moved. What else. He asked me my Social
16) Security Number, he asked me where I lived. Now I
17) know Jay was actually on a bus being moved that day
18) so maybe prior to other things happening where wives
19) go and do stupid things, that's why he was asking so
20) many questions that particular day. Because always
21) before there was nothing available, but he actually
22) asked my name, my Social Security Number, if I knew
23) where Jay was going. It was the most contact I had
24) on any of the phone calls with the San Quentin
25) system. So I know that Jay was moved that day.
The next day I called again and was told
Jay was transferred but they wouldn't tell me where.
So there is a group in California that's called
Friends Outside. They're not at all the prisons from
what I understand, but they are at San Quentin. And
in my time, from the first, when Jay first was
incarcerated at San Quentin I was told about Friends
Outside from another outside source and began to talk
to Bill Klein, who happens to be the representative
in San Quentin, and what his -- what he does for you
is I would call him and he would go in and check
because I was so concerned with Jay's heart
condition. And when he was transferred from the
county jail and because he was ill I was worried so I
called him and he actually went in and looked at Jay,
sat with Jay and talked to him and came back and
called me, which I was very grateful for, told me
that Jay was doing okay and that he looked good and
that he was a nice man which was kind of nice for me,
because when you are talking to people, when you tell
people your husband is in prison they always assume a
monster, they do. People assume monsters, prison.
That was one of the things that I had to learn to
live with, that -- and I'm just as guilty as some of
the public realizing that they're not all monsters;
that there are people in there that just need help,

people in there that --

In Jay's letters, I guess I should probably
have copied some of his insight. The drug addiction
is horrendous there and they're in deep pain, these
people. There's not a lot of medication. If they
can't get their fix, then they yell all night, it is
unreal.

Jay would write and tell me about the
different circumstances that he would view. Most of
the time Jay was in lock-down because the prisons are
in constant fighting, a lot of gang problems, and I
guess it is just safer to keep everybody in lock-down
from what he said to me.

Jay was moved. I thought that Jay would be
moved closer to Southern Cal, not farther. He
actually ended up being moved from San Quentin to
Susanville, California, which is up in the northern,
Northern California area, closer to Reno, actually.
So he was on a bus a minimum of what, eight to 10
hours in shackles being moved to Susanville.

I found out Jay -- where Jay was at. At
that point he -- I did not -- he did not know that I
knew that he had been moved so I called the High
Desert State Prison on August 16th and verified that
Jay had been transferred there and then I was able to make arrangements for the visitation.

I flew to Reno and rented a car and went into Susanville and then saw Jay on Saturday and Sunday, which, thank God, because he died on the 25th.

Jay did look bad but I attributed that because he had not been outside. One of the things at San Quentin, he said when you do go out, you really are not -- it is very racial there and in the letters Jay said that there was a lot of -- the whites stay with the whites, the blacks stay with the blacks. The Mexicans have two groups; the non-speaking English and then the Chicanos, and they had these rules. If you have a problem you go to the head man and that head man talks to that group, to that group. You don't ever talk or socialize, you sit at -- the showers are segregated, the tables are segregated. You don't ever talk to another outside of your race, you stay with your own, you have no choice. Jay was in the woods because he belonged to no group, that's what he was told. He was an old G, old guy. He didn't belong to a White Supremacist group, he didn't belong to anything, so he was in the woods. And in his letters he explains all that to
us. And there are cards. You probably know about
this. So I learned things I never though I would
have learned.

I will go back to Jay was moved to the High
Desert. I saw Jay on Saturday, so about a six-hour
visit that you get to visit. At that time, like I
said, Jay was thinner, pale. I had asked, there was
an outdoor area, if we could step outside but that
area had been closed off because of, I guess,
problems in the courtyard. So you are in a visiting
room, they had an outdoor area that had a big wall
around it, but to even get outside, that's all been
closed down because of problems apparently. I don't
know the problems.

On Sunday I saw Jay again, and standing in
line I got to hear the sirens go off and
firing, the shots being fired in the air, everybody
on the ground. The way it was, the gates you could
see through because you are outside standing in line
to go inside to be checked in, and then that was
quite an experience. Everybody in the line, you hear
them say, "Oh, my God, we won't get to visit" that
day and "What unit is that? Is that the B?" "Oh,
that's the B Building." Because then you know that
there's a problem and you are not going to go in
there. What the problem was, I don't know. That in
itself was -- just standing outside the gates
watching and the warning and everybody dropping to
the ground. And then Jay saying even in their
building, once those sirens go on, everybody hits the
ground and you don't know what's going to happen.

So I saw him on Sunday and he had said
that -- Saturday he said he had had no medication at
that point. And I said to him -- he said that he had
went and told one of the guards right away on Monday
when he got there and by the time he was processed
through it was Monday evening. So I believe Tuesday
Jay went in and said, "I haven't had my heart
medication." One of the guards in fact sent Jay over
to an area in which to get his meds. That particular
guard or whoever runs the computer told Jay he wasn't
on the computer and was explicitly telling him he
needed to get away from the area and that he would
get it to Jay when it was on the computer and he
would get his medicines then.

So when Jay walked back to the particular
guard that sent Jay over there asked him, "Did you
get your heart medication?" And Jay said no, and
that particular guard said that that guard was not a
nice person. They don't talk like that, though.
So Jay asked again for the meds. And I was told that somebody came by on Monday and said that Jay would receive his medicines either that night or in the morning. Jay died and was gone in the morning so he didn't receive his medicine.

When it says I allege he didn't have his heart medication, Jay did not have his heart medication. The toxicology report, the coroner -- I'm still waiting for the reports on that because they did not do a cause of death on his death certificate because they were waiting for the toxicology report because I did in fact call the prison and told them "You killed my husband, you denied his heart medication." So I am still waiting. I have not had any answers from anyone.

I have written my statement, I don't know if you have a copy of my statement, and one of the first things I started to do as soon as I could think straight was I began to write to anyone and everybody that I could possibly think of that could tell me why Jay died.

I received -- I wrote to Governor Schwarzenegger twice. On the second time I actually did get a response. He sent it to the California Department of Corrections and Health Department and I
have received a letter from them. I all I got from
that was that I need to prove that I have a right to
have Jay's records, although they did release his
body to me and his personal belongings. I have not
finished the letter back to them probably because, on
one hand, I want to know why Jay died, but you can't
bring him back.

I wrote to Judge Henderson. He had
forwarded it on to the prison's law office. I
already read about the prison's law office. They won
a case in California and they're still negotiating on
how to fix the problems in San Quentin. My husband
is gone, they won in 2002, they are still negotiating
on how to fix the problems. Why write them again and
go back to them, they won. They didn't change
anything; Jay is gone.

I read all about Judge Henderson and I know
that he is trying to make changes. Jay is gone. I
can write to Mr. Hickman, I wrote to Mr. Hurley, I wrote
to anyone I could think of. I don't know if you guys
can make changes, but to let somebody die from lack
of heart medication is not right.

MS. FIGUEREDO: Not be accountable is
not right. Jay had to be accountable, why doesn't
the State of California have to be accountable. Who
has to be accountable?

MS. WRIGHT: That's my sister who went through the whole thing with me.

MS. FIGUEREDO: I have been through everything; her visits, everything.

MS. WRIGHT: I talked to an inmate, I actually got a wonderful letter from one of the inmates at High Desert State Prison, and he has told me that there are now signs up there stating if an inmate has not received his medicine, they give them a number to call. I hope that's true.

Because I went to Friends Outside on Sunday after I left Jay, I have a brochure from them, and I asked them about that particular -- that Jay had not received his meds and they -- in their article it says it is best for the inmate to solve the problem first because outside people, Jay may suffer the consequence or the -- what is the proper wording for that.

MS. FIGUEREDO: Retaliation.

MS. WRIGHT: One of the other inmates that I was talking about, in his letters, he writes to me, and I asked him if he would speak to my attorney. He doesn't want to; he is afraid. He just wants to do his time and go home, you know. He doesn't want to
step forward because he just wants to do his time and go home. I don't even know why he is there, it doesn't matter, but his letters were very kind to me. And I -- I don't know.

JUDGE GIBBONS: Mrs. Wright, you have gone through a terrible experience, and you have talked about two problems really; the problem of access by the family members to the prisoner or to information about the prisoner, and the other, the problem of medical attention for people who may be suffering from serious illnesses. If you have any suggestions on either of those topics about how the situation can be improved, we would very much like to hear from you. Perhaps instead of just writing to the authorities in California, you can send copies of your letters to us.

MS. WRIGHT: One of the things I do think is important, and I do hope that there is access to the prisoners, that they -- if they have no medicines or need medicines there is an inside line. Why could there not be a phone that goes directly to the infirmary or to somebody who is responsible to say I need my medicine. I understand that diabetics in the county jail go into diabetic shock quite commonly, it is common because they don't have their
insulin. They have to have it. The State of
California is in a very poor state as far as taking
care of their inmates. I don't know about the other
states.

How do you provide medical attention? It
was -- I mean, I don't even know. Was it a
cardiologist that changed Jay's medicines? Did Jay
ever see a cardiologist? I don't know. And then to
take him totally off of them?

JUDGE GIBBONS: Well, we have a long
day ahead of us and we have to unfortunately try to
keep this proceeding on schedule so at this point we
will recess for 15 minutes. We will resume at 10
minutes before 11:00.

MS. WRIGHT: Thank you.

JUDGE GIBBONS: Thank you for coming.