

1 again I would like to thank you for the opportunity
2 to testify.

3 MR. MCFARLAND: Thank you, Ms. Hardy.
4 Thanks for all the time you put into accommodating
5 us.

6 MS. HARDY: You're very welcome.

7 MR. MCFARLAND: Warden Malfi, thanks so
8 much for being with us and for your gracious
9 hospitalities that you and your staff have shown. I
10 extend the same to Warden Kramer. Thank him for
11 showing us around last night and hosting our
12 hearing.

13 And, Warden Kramer, if there is anything you
14 would like to add spontaneously, we would be honored
15 and delighted.

16 WARDEN KRAMER: Thank you for the
17 opportunity.

18 MR. MALFI: Good morning. Prior to me
19 giving my testimony, I would like to let you know

20 that behind every good administrator are support
21 staff and most of us have administrative assistants,
22 Judy Black and Robert Trujillo did all this. They
23 should be thanked also, and I would like you to know
24 that.

25 My name is Anthony Malfi. I have been with the

1 California Department of Corrections and
2 Rehabilitation for approximately a little over 30
3 years. I would like to thank you for giving me the
4 time to give this testimony before you on inmate
5 safety in the correctional environment and the steps
6 we have taken in an attempt to eliminate prison rape
7 and sexual misconduct in our institution.

8 As the warden at California State
9 Prison-Sacramento, I have the responsibility of
10 overseeing a high security mission. I have
11 approximately 3,200 inmates at my facility. Of
12 those 3,200 inmates, approximately 1,800 are general
13 population inmates. I have currently 350 inmates in
14 administrative segregation. I have 180 inmates in
15 the psychiatric segregation unit. I have 280
16 inmates in the enhanced outpatient program, and I
17 have approximately 640 inmates in Level I and Level
18 II general population. I would like you to also
19 know that my institution is probably one of the

20 largest mental health providers in the state of a
21 maximum security housing of inmates and it is a big
22 mission and a struggle every day.

23 The mission in SAC includes two correctional
24 treatment centers capable of housing 27 inmates in
25 an outpatient housing unit, capable of also housing

1 another 64 inmates. We just recently opened a large
2 mental health facility, a new treatment center,
3 which took many years, and prior to me the former
4 wardens did a fantastic job along with the
5 Department and the Mental Health Department of
6 getting this thing off the ground. I am really
7 happy to say we are getting there. I think we're
8 going down the right road and hope to achieve those
9 goals.

10 Statistics for California prisons in regards
11 to sexual assault show a relatively small number of
12 reported incidents. As Mr. Dovey has stated and Ms.
13 Still, I am willing to bet that there has been
14 people who have probably been assaulted that just
15 don't come forward. I think that that is probably
16 very strong in the community from what I heard and
17 be able to understand. So I think it is probably
18 almost the same in the prison. I think there is
19 probably a stigma attached to it, the prison

20 setting.

21 I also believe, and this is my personal
22 opinion, that the staff really do care. I think
23 people who work for us, sometimes we get this cloud
24 over us that we are in a prison setting and we don't
25 care about people, and I think it's just the

1 opposite. We all have family members. I think we
2 all have people we know, and I don't think anybody
3 would like to see this happen to anybody.

4 I think we have gone to great lengths to put
5 this training out to people. We have approximately
6 1,500 employees at our prison. Roughly about 85
7 percent of them have received at least one hour
8 training to get it going, and we're currently going
9 through the four-hour block training which will be
10 administered over the next year, and hopefully get
11 everybody. With all our supervisors, as far as
12 in-custody division, lieutenants and sergeants have
13 received the training. I think we are making great
14 strides to get this out there.

15 As I stated, in the last four to five years we
16 have received -- we have had approximately 1,400
17 reportable incidents at our prison, very few have
18 had sexual misconduct involved in, very few. It's
19 actually only been three that we have reported. We

20 have had some reportable incidents with staff
21 misconduct, and we have two pending right now which
22 I'd rather not get into great because they are
23 pending investigation. I think it's -- I think we
24 have taken it very serious. I think we have zero
25 tolerance. I think our staff are well aware of it.

1 When we find these incidents, when we are made aware
2 of them, we attack them as quick as we can. And I
3 think, I really believe that this has really come to
4 light in the last few years since this law has been
5 enacted. I think we are doing a pretty good job; I
6 really do.

7 I would also like to bring -- as far as my
8 questions, do you want me to go through them?

9 MR. MCFARLAND: Sure. We do not have any
10 written testimony.

11 MR. MALFI: Screening for appropriate
12 placement. I think we have a pretty good
13 classification system. I think it is a lot harder
14 than people think it is. It's complicated, and a
15 lot of it is based on what we are told by the
16 offender, by the inmate. I think that is very
17 important to note, that people who probably really
18 have never run a prison or sat in classification
19 committees, we have people come before us and we can

20 only go based on what they tell us, and if they
21 don't tell us they're a victim or tell us their
22 lifestyles or tell us -- it makes it really hard.
23 We put these people in positions into the general
24 population setting and it can turn on them.

25 So I think it is also important that people

1 are made aware that they have to be very truthful
2 during classification process. I hope that makes
3 sense to you. I know it is probably a different way
4 of looking at it than most people. It is extremely
5 important that people coming into our systems are
6 made aware that they have to be honest with us. You
7 don't know people's lifestyles. You don't know
8 their preferences in a lot of things, and if you
9 don't know that it makes it very hard.

10 Especially as the Director and Ms. Still said,
11 we are pushed against the wall with the housing
12 buildings. No one wants to put people in
13 gymnasiums. We are forced to. That is another two
14 pages of testimony, probably. And it really creates
15 a problem for us. It really does as far as the
16 security end. Little things like sheets on beds,
17 keeping people safe and constantly watching these
18 type of things.

19 But all inmates received go through a

20 classification system. We try to identify people.
21 We try to identify predators. We try to separate
22 the predators as soon as we hear of any type of
23 behavior like this. The one thing that Ms. Still
24 brought up was very interesting. We do put people in
25 administrative segregation. I think some people

1 might say, "Well, you're penalizing the victim."
2 But in a prison setting that is about the only thing
3 you can do to at least get everybody away from a
4 situation until you can literally investigate it.

5 A lot of times we have people say things that
6 turn out not to be true. They want to get out of
7 the area because they want a transfer, they don't
8 like the housing. There is numerous reasons. So it
9 is really hard sometimes to really boil down the
10 truth, and I think that is a real problem for us to
11 delve through.

12 Training. As I stated, I believe that we have
13 really taken -- my next question, my No. 2, employee
14 training. As I stated, we have a lot of mandates.
15 Sometimes we are -- another area is to get
16 everything done. Used to be when I was a
17 correctional officer, we had about four hours
18 training a year. But now I think we are up to 52
19 hours of mandated training along with CPR and mental

20 health and a lot of mandated training and four hours

21 of this. And then the big word of money.

22 When you start realizing a lot of people have

23 to be paid time-and-a-half, it gets very expensive

24 from a warden's position to get all this done.

25 Sometimes it is hard. It really is. We have had

1 training on CPR, and just recently we've had to do
2 it twice. Mandated through the courts. And to
3 squeeze all of this in gets complicated.

4 I really believe, when you look at the
5 booklets that we receive, the training, as Ms. Still
6 said, we receive a lot of training from federal
7 grants, outside agencies, and I think we are getting
8 there. But it is complicated. It is not simple.
9 You just don't snap your fingers, but I think we are
10 making strides, making a difference.

11 MR. MCFARLAND: Warden, excuse me. Is
12 that 52 hours a year or 52 hours initial academy
13 briefing?

14 MR. MALFI: Oh, no, not to do with the
15 academy. I am talking about annual training for our
16 correctional staff.

17 MR. MCFARLAND: Fifty-two hours a year for
18 all your line staff?

19 MR. MALFI: I know we have training all

20 the time on different subjects. I am sure
21 Mr. Kramer and a lot of other wardens, what we will
22 do periodically is we will try to fit it in in a
23 program in a housing unit, on-the-job training. We
24 will have sergeants and lieutenants go out and give
25 specialized trainings.

1 I also have No. 3, suspect and offender
2 processing. All allegations of sexual misconduct
3 are taken very seriously. Staff has been trained in
4 initial notification, medical treatment,
5 confidentiality, victim and assailant rights,
6 transportation responsibilities, crime scene
7 preservation, evidence collection, investigative
8 process, mental health responsibility and housing
9 determinations.

10 I don't know how well you are aware of, every
11 prison in our Department has what they call an
12 Investigator Service Unit. It is basically like our
13 own detective within our own prison system, our own
14 process. But I think they are very well trained.

15 I think one of the problems that we run into,
16 especially in some of our rural areas in prisons, we
17 have actually transported inmates to local hospitals
18 where they didn't have the sexual assault kits.
19 Their doctors weren't trained. I think it is also

20 some other areas we need to look at, that I would
21 hope we bring the other stakeholders involved in
22 this. Especially in some of the rural counties
23 where this just doesn't happen. Much smaller
24 hospitals, district type hospitals. I can remember
25 on at least two occasions where we took people to

1 hospitals and we have had to literally transport
2 them to bigger cities to have these kits done.

3 I do believe that we are very well trained and
4 I think a lot of people don't realize that our
5 Investigative Services Unit staff are very well
6 trained. I think they do a good job. I really do.

7 Data collection and monitoring. As I stated,
8 investigator service lieutenant reports
9 investigations of allegations of sexual misconduct
10 on their monthly report, including whether a
11 perpetrator was a staff member or offender and the
12 disposition or current status of those cases. As I
13 stated, I think we have at least two current cases
14 at my prison. One was not sustained where it was an
15 inmate accused another inmate of sexually assaulting
16 him. We have at least two that I can recall off the
17 top of my head of employee involved misconduct.

18 I think another area that needs to be spoken
19 to is the cooperation from the District Attorney. A

20 lot of District Attorneys, for whatever reason,
21 don't take these cases up, and it makes it really
22 difficult for us. I think it is a strong deterrent
23 if we can get them to go that way. But I think we
24 make it very clear that we have zero tolerance, and
25 I think we are doing a good job in California. I

1 really do.

2 I hope that answers your questions.

3 MR. MCFARLAND: Thank you. We want to
4 thank each of you for all the time you put into your
5 testimony. I think all of us have a lot of
6 questions to ask.

7 Let me just give it off to Warden Kramer.

8 Would you like to add to the mix, if so I will swear
9 you.

10 (Oath administered by Mr. McFarland)

11 MR. MCFARLAND: Thank you as well for your
12 hospitality, for providing the venue and education.

13 MR. KRAMER: Thank you for the opportunity
14 to give you a tour of Folsom Prison last night. As
15 you can tell from the facility, it does present a
16 somewhat unique challenge in a number of areas,
17 including the sexual misconduct area, as you saw
18 from viewing some of the cells and the staffing that
19 we have. And I'll just take a few minutes.