

7                   JUDGE GIBBONS: Our first panel of this  
8 hearing will offer three personal accounts. On  
9 behalf of the commission, I'm pleased to introduce  
10 our witnesses.

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

19                   Mr. Gary Johnson was the Executive Director  
20 of the Texas Department of Criminal Justice until his  
21 retirement in 2004. Mr. Johnson will discuss how  
22 federal oversight of the state's prison system over a  
23 30-year period affected his work as he rose through  
24 the ranks from corrections officer, to warden, to  
25 executive director, and what impact it had on the

1 department's practices.

2 Mrs. Victoria Wright, who was married for  
3 33 years to Jay Wright who was convicted in 2005 of a  
4 white collar crime and sentenced to three years in  
5 California's prison system. Mrs. Wright will  
6 describe what led to the death in just three months  
7 into his sentence and the efforts she had to  
8 undertake to bring his full story to light.

9 These personal accounts will set the stage  
10 for the panels which will follow today and tomorrow  
11 giving context to the issues of oversight,  
12 transparency, accountability and understanding  
13 violence that we hope to address during this hearing.  
14 I would like to extend my very sincere thanks and  
15 appreciation to the members of our panel for their  
16 willingness to take time out from their lives to  
17 share their personal stories with us.

18 We would like to begin with Mr. Brown.

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

22 I was convicted of assault with a deadly  
23 weapon in 1989; 10 years with a five-year minimum. I  
24 did seven years out of that 10-year sentence. I was  
25 convicted of assaulting a Crips gang member. And

1 there's a guy that killed a friend of mine that was a  
2 Crip from the Rolling Thirties out here in L.A. and I  
3 got retaliation behind that.

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

15           I done a lot of time in isolation for my  
16 behavior inside the prison system. Then when I got  
17 out, it was all about learning the prison system, how  
18 I can manipulate the prison system, and who and what  
19 I could get away with. Drugs was the number one  
20 thing that I learned inside the prison system. Then  
21 after they took to tobacco, drugs didn't have that  
22 much affect, then the tobacco did, because everybody  
23 needed tobacco and so tobacco became a way of  
24 survival, it became a way of making money inside the  
25 prison system, and it is still is right now today.

1                   I was one of the guys that was known for  
2 fighting a lot, known for -- I was more of a leader  
3 type of guy because I had older brothers inside there  
4 that put me on and me being the person I was, I was  
5 quick to fight, I was more of a leader, and when new  
6 guys came in it was a breeding ground for new guys,  
7 especially younger guys, 18, 19, coming through the  
8 prison system, being remanded from juvenile to adult,  
9 who was looking for some identity. And being the  
10 gang member that I was, I gave them some identity,  
11 you know, and just put them on, you know. What I  
12 mean by put them on, you down with this right here  
13 and this is your job, this is what you have to do,  
14 you know.

15                   And I have got a scar above my left eye  
16 right here where I got into -- it was almost like a  
17 race riot with the White Supremacy, it was just me  
18 and him, and everybody who knew what was going down  
19 was isolated in this incident. And after that  
20 incident right there I had to prove myself with the  
21 White Supremacy is that we ain't going for this, you  
22 know, because in Oregon a lot of White Supremacy runs  
23 quite a bit of stuff out there but once you establish  
24 yourself and your position, there is a difference.  
25 It is all about survival inside the prison system

1 and my job was to look out for my crew, to lead my  
2 crew, you know, and hook up with the people that can  
3 make it happen, you know.

4           The prison system is corrupt, there's no  
5 secret about that. I had guards bringing me in  
6 tobacco, you know, making things happen, and it is  
7 still going on right now today, and you can spend  
8 \$300 on tobacco and make 3,500. I mean, that's a  
9 month's salary right there as a corrections officer,  
10 you know. So once the tobacco was eliminated, it was  
11 just an open market for almost everybody that wanted  
12 to get involved.

13           After serving three years of my sentence  
14 inside the prison system I got into the Nation of  
15 Islam where it opened up my eyes about certain  
16 things, you know, and a lot of talking about how the  
17 system did this and how the system did that, but we  
18 did it to ourselves. It wasn't the white man this,  
19 the white man that, because we were killing each  
20 other at a large rate. Black-on-black crime was what  
21 it was, you know. And by me learning the struggle,  
22 learning who I am and learning what I was, opened up  
23 my eyes to a whole lot of different things, you know,  
24 about my identity, about who I am, about my  
25 ancestors, what they did to get me to where I am

1 today, you know. And once that light came on, it was  
2 hard to turn it off. And I had a different vision  
3 from their own about being a gangster, you know,  
4 because it didn't take much to be a gangster once I  
5 figured out what it took to be a gangster. I mean, a  
6 three-year-old, a four-year-old can be a gangster,  
7 can be a gang member, but to be able to walk away and  
8 to be able to do different things and be responsible  
9 in today's society, it takes a man to do that. And  
10 my father neglected me when I was younger and so I  
11 just jumped on board with my brothers about the stuff  
12 that they were doing and I thought that was the way  
13 that things was supposed to be done, but little did I  
14 know was that that wasn't the way society worked and  
15 it took some older guys inside the prison system to  
16 really teach me some of the things my father didn't  
17 teach me, you know. And I remember him saying that  
18 "You can't become a man until you've held one's  
19 hand," and those brothers inside the prison system  
20 coached me along to be a better person.

21 I'm an ex-drug addict. I got hooked on  
22 drugs inside the prison system, you know, and talked  
23 about -- I never knew anything about N.A. or A.A. or  
24 any of that stuff so when I got out of prison, I had  
25 a drug habit when I was released from prison that I

1 never had before. I got hooked on drugs inside of  
2 prison, and getting out of prison and to be able to  
3 cope with that addiction, that's why I'm wearing this  
4 chain around my neck, is the day I got clean, the day  
5 I stopped drinking and all of that, you know.

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

15           I now work inside the prison system as a  
16 drug and alcohol counselor, the same prison that I  
17 did the seven years at, and for me to go back inside  
18 there, and some of the guards that still work there,  
19 some is cool with it, some is not, that's not my  
20 problem. My job is to go in and do a job because I  
21 have a mortgage too, you know, and that's what I do.

22           Also I'm a gang outreach worker where I am  
23 now dealing with two guys. One guy just beat a  
24 murder case and he got caught with a gun with a  
25 silencer on and he is on my caseload, and there was a

1 good friend of mine whose son was involved in that,  
2 he had a gun on him too and they were in the same  
3 gang, so I'm working with the court with these guys.  
4 I work hand in hand with the guy I spoke  
5 about earlier who shot and killed, murdered a good  
6 friend of mine, and the guy that I assaulted was also  
7 a friend of his. Me and him work, our desk is right  
8 next to each other; is he an ex-Crip, I'm an  
9 ex-Blood, and we work hand in hand with these guys  
10 and whenever we get up and talk about some of the  
11 things that we did and where we at right now today,  
12 they talk about, well, how can you guys get along.  
13 We focus on similarities, not differences, and Carl  
14 Rucker is his name and he is a good friend of mine  
15 and we do panels around Portland to all the high  
16 schools around and it is just a hell of a job for me  
17 to have a friend like him; to be able to set aside  
18 our differences, and a lot of people that know us  
19 inside that community know where we come from and  
20 know some of the things that we have done and to keep  
21 these youngsters' focus on new things.

22 They're not being taught some of the stuff  
23 we teach them. We teach them about building credit,  
24 about keeping a clean record, not having felonies,  
25 something that we don't have, but it don't stop us

1 from getting to where we need to go. It is our  
2 obligated duty and job to inform these youngsters  
3 about having good credit, about how to build equity,  
4 about how to rent a home, how to own a home, you  
5 know, because the prices are steady going up and if  
6 we don't teach these guys how to rent a home, how to  
7 own a home, they will be renters for the rest their  
8 lives. So thank you.

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

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

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

22 MR. BROWN: Well, the administration  
23 can only do what they can do and gangs will always be  
24 there regardless; in the institution, out of the  
25 institution, there's only so much that the staff can

1 do. Because I know the staff's number one goal is  
2 safety and prisoners are violent and that's just no  
3 secret and so the administration -- once it is going  
4 down, it is going down, there's nothing that the  
5 administration can do really about it. They can lock  
6 us up, put us in a hole or whatever, but once it is  
7 going down, it is going down.

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

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

24 JUDGE GIBBONS: You mentioned that some  
25 corrections officers were not models of good social

1 behavior and may be as crooked as some of the  
2 prisoners. Would you elaborate on that.

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

14 JUDGE GIBBONS: Do other commissioners  
15 have questions?

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

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

25 MS. ROBINSON: I'm sorry.

1                   I thought I understood you to say that  
2 gangs are inevitable in prisons. Did you say that?

3                   MR. BROWN: I'm not sure.

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

8                   MR. BROWN: The violence inside  
9 prisons?

10                  MS. ROBINSON: That gangs will always  
11 occur.

12                  MR. BROWN: Gangs will always occur,  
13 yes.

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

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

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

21                  MR. BROWN: Well, all the prisons I  
22 have been into, there are gangs everywhere,  
23 especially in L.A. There's going to always be gangs  
24 inside of prisons, outside of prisons, and there will  
25 always be violence.

1 MS. ROBINSON: Well, I'm talking about  
2 prisons in other states. Thank you.

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

9 Mr. Johnson.

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

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

21 As a result of that lawsuit which impacted  
22 virtually all operations in the Texas, at the time  
23 the Texas Department of Corrections; health care,  
24 staffing, law library access, inmates exerting  
25 authority over other inmates, capacities, standards,

1 infrastructure. You name it, it was impacted.

2           When the court ruled in 1978 for the first  
3 time and found the Texas Department of Corrections  
4 did have unconstitutional conditions, a special  
5 master was appointed, Vince Nathan, and for many  
6 years Texas was subjected to quite stringent external  
7 oversight provided by the courts.

8           Now when I first went to work for the  
9 department back in 1973 the department was -- any  
10 kind of oversight was alien to the department. And  
11 over three decades from various different  
12 perspectives and angles, because I took a somewhat  
13 non-traditional route from correctional officer to  
14 executive director, I watched the system evolve from  
15 one where oversight was alien, to where oversight  
16 actually became somewhat systemic and even  
17 institutionalized, just a way of doing business. No  
18 doubt that that began with the Ruiz case and external  
19 oversight. The tensions and pressures that were  
20 brought to bear by the external oversight was a  
21 catalyst for the creation of an internal oversight  
22 system in the eighties, and today there are a number  
23 of very strong internal mechanisms within the Texas  
24 Department of Criminal Justice to provide oversight.

25           The external oversight, the court-mandated

1 oversight which ended in 2002 was, in my opinion,  
2 critical to the success of the department over those  
3 three decades. It was many times painful in the  
4 short run, very critical in the short run, but very  
5 productive when you look at what happened over a  
6 30-year period.

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

23           But I would say to you that although, and I  
24 do want to make sure I make a point that over these  
25 three decades when that external oversight was first

1 introduced, the agency was very resistant to  
2 oversight and that resistance over a period of time  
3 certainly diminished and moved from, as I said, one  
4 of resistance to one of a mutual respect and  
5 acknowledgement of the value that can be gained from  
6 oversight. But I would want to say to you that as a  
7 former director, I know there are some current  
8 directors in the room, that although we share, I  
9 believe, the opinion that oversight, external  
10 oversight can be valuable, it could be a real  
11 resource to have eyes other than your own or those of  
12 inside your department, it could be very valuable but  
13 it can be a very complex, dicey issue for an  
14 administrator.

15 Administrator, correctional administrators  
16 especially, live in a very politicized, pressure-  
17 packed environment and absent court mandates or a  
18 legislative mandate for oversight, the directors can  
19 assume a certain level of risk by inviting oversight  
20 into their departments. I would hope that one thing  
21 that you, as you contemplate and deliberate the  
22 issue, is that you would have an understanding that  
23 correctional administrators do value external  
24 oversight, but also acknowledge that many times it is  
25 a very complex issue for administrators. I think we

1 have to continue to try to diminish polarization of  
2 silence, we have to acknowledge that we, I think, all  
3 want the same ultimate goal which is more humane,  
4 safer run prisons in this country, and to the extent  
5 we can continue to develop a mutual respect for each  
6 other's positions, I think there can be a lot of  
7 progress made in this arena.

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

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

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

21           As I said earlier, there was a lot of  
22 resistance initially to external oversight by the  
23 courts back in the 1970s especially because for  
24 decades the department had operated without any  
25 oversight and the prisons generally around the

1 country had operated without very much federal court  
2 or court intervention, so it was really viewed as an  
3 intrusion into the domain of prisons to have others  
4 coming in providing that oversight, so it took  
5 culture which we talked about a lot, I guess, but  
6 culture takes a long time to change, to make that  
7 shift. It is a mistake for people to believe you put  
8 out a memo and change the culture, it doesn't work  
9 that way. It takes a lot of small steps, a lot of  
10 leadership for a sustained period of time for people  
11 to change the way they see the world. So for a  
12 number of years it was a matter of changing the way  
13 the employees of the system that were currently there  
14 saw how they did their jobs, saw the value of  
15 changing the way prisons were operated, and you have  
16 to also remember that the inmate population has a  
17 certain culture that has to be changed over time.  
18 And then what happens over a period of decades is you  
19 transition out employees who had been there before  
20 the federal lawsuit, inmate population turns over, so  
21 at some point, like today, for example, the vast  
22 majority of employees that work for the department in  
23 Texas, at least, have only known the system under the  
24 current system, they weren't even aware of the system  
25 that existed prior to court intervention, and in a

1 large respect the inmates were the same way. But I  
2 guess the short answer or a long answer and I will  
3 give you a summary of it, is that it is all about  
4 leadership. You've got to have, I believe,  
5 leadership inside the agency that will stand up and  
6 work with the staff.

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

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

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

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

24           MR. JOHNSON: It is my belief that in  
25 1978, that in order to make the changes that were

1 made in the Texas Department of Corrections it took  
2 court intervention to be the catalyst to move that  
3 forward. Now the reason I asked the question  
4 earlier, 2006 is a different -- we're in a different  
5 place. The department that exists today has no  
6 resemblance to the one that existed in the 1970s, so  
7 I think you have to take into consideration those  
8 kind of factors. You can't do this, I don't believe,  
9 make the jump that because it required court  
10 intervention in 1978, to make that movement that that  
11 would necessarily be the case in today's world.

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

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

19 JUDGE GIBBONS: Outside of the given  
20 institution.

21 MR. JOHNSON: Of a given institution?

22 JUDGE GIBBONS: Yes.

23 MR. JOHNSON: Well, of course, we are  
24 seeking ACA accreditation in Texas but beyond that,  
25 the agency has an entire division that their mission

1 is oversight and routine, periodic audits are  
2 conducted in every institution in Texas. Not only is  
3 there a division that provides operational oversight,  
4 but there's also an Internal Audits Division that  
5 reports not to the director but to the Board of  
6 Criminal Justice, and there's an Office of Inspector  
7 General that reports not to the director but to the  
8 Board of Criminal Justice, so there are several  
9 entities that exist within the department that either  
10 report to the executive director directly or to the  
11 chair of the Board of Criminal Justice directly, in  
12 addition to some of those external mechanisms that we  
13 have in place.

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

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

19 JUDGE GIBBONS: Any oversight system.

20 MR. JOHNSON: I think that the persons  
21 that are involved in oversight need to have a clear  
22 vision of what they're trying to accomplish with a  
23 particular correctional department. I think there  
24 has to be, as I said earlier, some mutual respect  
25 between the administration of the department and the

1 group providing oversight, I think there has to be a  
2 recognition of the complexities of operating large  
3 prison systems, I think there has to be integrity  
4 between both groups. And when I talk about mutual  
5 respect or cooperation, I'm not talking about  
6 co-opting, I'm talking about each entity doing their  
7 jobs with integrity with the vision of wanting to  
8 help that agency become more safe or more humane.

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

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

19 MR. JOHNSON: I think to be effective  
20 the overseer needs to at least be respected by the  
21 political groups in the state. I don't know when you  
22 say be respected, I don't know if you mean that that  
23 person needs to be respected by particular  
24 politicians or if you mean more just does the group  
25 need to have a --

1                   JUDGE GIBBONS: Hold on. Let me put it  
2 this way.

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

7                   MR. JOHNSON: Right.

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

12                  MR. JOHNSON: Well, you are exactly  
13 right. If you are talking about a situation where  
14 the court has mandated the oversight, then certainly  
15 I don't think you have to have the political, the  
16 authorization or political approval to make progress.  
17 But if you are talking about a situation where we're  
18 not, it is not a court-mandated oversight but being  
19 promulgated by the study, I think it certainly at  
20 least is helpful for the overseer to have some clout,  
21 if you would, with the powers that be, because so  
22 much about, not everything, of course, but a lot  
23 about what happens with the commissioners is going to  
24 be about resources provided to them by the  
25 legislators and to that extent I think it is

1 important that they at least feel like the people  
2 that are making recommendations for changes or  
3 improvements in their prisons are doing so in order  
4 to move the system forward and not because they've  
5 got some other agenda.

6 JUDGE GIBBONS: Do other commissioners  
7 have questions?

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

22 MR. JOHNSON: Okay. The internal  
23 mechanisms that exist in most states to provide  
24 oversight work for or with the director usually or a  
25 board or commission, whatever they're called, and

1 that oversight can be a very good resource, a tool  
2 for the director to find out what's happening in his  
3 or her system and try to make improvements or make  
4 corrections to that. It may be a report to the  
5 legislature or legislative committee to make  
6 improvements or changes. That's what we see in  
7 internal audits, Inspector General and our  
8 operational audits. But what I was referring to in  
9 my paper, my remarks I submitted to you, is in a  
10 situation where a director has no mandate  
11 legislatively or through the court to bring external  
12 entities in to look at their system but an entity is  
13 allowed in, the entity has some particular agenda  
14 that the director may or may not be aware of, and  
15 instead of that group working with the director to  
16 try to identify problems, make corrections,  
17 submitting a report or a briefing for the director,  
18 the director wakes up on the next morning and starts  
19 reading in the newspapers the findings of the entity.

20           Now my argument is not about  
21 transparencies, my argument is about that is going to  
22 polarize the groups. Instead of having a situation  
23 where you develop mutual respect and you try to move  
24 forward with positive improvements or corrections of  
25 something that might be, has been discovered, it is

1 more a situation where you have a contentious  
2 relationship that develops with the entity and the  
3 department and instead of that department then  
4 wanting to or having a desire to proliferate external  
5 oversight, they will truly start putting up more  
6 walls and so that's sort of what I'm referring to.  
7 The risks that are associated is if you have a group  
8 that comes in and instead of working with the  
9 director, the legislature or the agency has an agenda  
10 of just pure exposure, no intent for partnership but  
11 just pure exposure, then that director is going to  
12 certainly have some risk associated with, you know,  
13 why are you doing this absent a mandate to do it.

14 Does that clarify it at all for you what I  
15 was referring to?

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

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

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

23 MR. RIPPE: Should remain voluntary.

24 MR. JOHNSON: There may be some, under  
25 some scenarios some reasons to have some aspects of

1 ACA mandatory but I'm not sure what I said would  
2 impact that question that you just asked.

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

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

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

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

25 JUDGE GIBBONS: I think we have another

1 question.

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

17                   MR. JOHNSON: For external?

18                   MR. GREEN: Yes.

19                   MR. JOHNSON: Based on my experience  
20 testifying for the legislature, I will give you a  
21 sort of a two-part answer to this.

22                   Can an agency operate effectively with  
23 internal oversight only. Yes. I think, now, that  
24 goes to the whole definition of what is effective,  
25 but I would say yes, they can operate effectively.

1 The question I think is should they. Based on my  
2 experience I would say that if it is developed  
3 correctly, optimum would be internal, strong internal  
4 oversight mechanisms partnered or layered or in  
5 conjunction with external oversight, but I think  
6 there's real value in some of the pressured  
7 intentions that can be created from that external  
8 oversight. I think that those external eyes, again  
9 created correctly, could be a very valuable resource  
10 for a commissioner or a board or a legislature. How  
11 you create that or establish that external oversight,  
12 I don't have an answer for you right now. I can't  
13 tell you today what I think is the best way for any  
14 particular group or agency, entity, to develop that  
15 external oversight system, but I'm confident that  
16 with the commission like this and all of the  
17 experience that we have around the country that that  
18 can be done and be done in a way that will move  
19 corrections forward and will hopefully serve the  
20 needs of all the different constituencies.

21           Like I said earlier, I just believe, maybe,  
22 I hope after 30 years I'm not in the business of, I'm  
23 not overly naive, but I just believe that if we can  
24 find ways, and I believe that we have much more in  
25 common on this issue than we have differences -- we

1 do have differences, there's going to be differences  
2 in approaches, differences in philosophies -- but I  
3 think our ultimate vision of safer, humane, better  
4 run prisons is common. I think we share that. I  
5 think if we share that and we have a real commitment  
6 to that, we can find ways to diminish the  
7 polarization and move forward.

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

15 MR. JOHNSON: That's correct.

16 MR. BRIGHT: So if you have a group as  
17 you were talking about a moment ago that comes in,  
18 maybe you and the group agree, and it may be that the  
19 group exposes this because that's sometimes a way of  
20 bringing about change to say these prisons are so  
21 overcrowded or whatever, but let's say at the end of  
22 the day the legislature doesn't give you the money,  
23 the resources to do what you need to do and it  
24 compromises safety in these institutions. You are  
25 understaffed, for example. The only entity that can

1 deal with that in a way that requires action is a  
2 United States district judge, right? In other words,  
3 the legislature has gone home, they haven't given you  
4 what you need, and the judge says we just simply  
5 can't tolerate this but you will be the guy to staff  
6 this place up right, you got to do the things that  
7 need to be done to protect people from abuse or the  
8 court is going to order it in some way or another, am  
9 I right?

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

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

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

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

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

24 Jay was convicted of a white collar crime  
25 and sentenced to three years of incarceration. We

1 were told at the time that Jay would carry out about  
2 half the time because it was a white collar crime and  
3 because the overcrowding, from what I understand, in  
4 the prison system they do cut time in half for,  
5 especially for the behavior. And because it was  
6 supposedly going to be a minimum-security facility,  
7 he would go probably to a ranch possibly, and that  
8 Jay would get out in about 18 months, November 17th  
9 of this year.

10 I was married for 33 years to Jay.

11 MS. FIGUEREDO: Do it for Jay, Vicki.  
12 You can do this.

13 MS. WRIGHT: I will just read this off.

14 Prior to the sentencing Jay completed  
15 all the necessary paperwork and medical testing that  
16 so that Jay would receive the proper medication for  
17 his existing heart attack. Jay had two heart attacks  
18 prior. He had the first one at 39 and the second  
19 heart attack at 46, I believe. When Jay was under  
20 tremendous stress, which running a business is  
21 stressful as you know, his heart would spasm which  
22 would give, we found out, a second heart attack, so  
23 when he was under a lot of stress his heart would  
24 spasm and he would have blood clots and have heart  
25 attacks. So he was put on Procardia on the first

1 heart attack of five milligrams and that did not  
2 work; he ended up having another heart attack. And  
3 Jay took that very serious. He exercised, he learned  
4 to do some stress reduction in his life, he took  
5 vitamins. They had proven that some of the vitamins,  
6 niacin, magnesium, B12, B6 helped with his heart  
7 condition along with the medicines which, as you  
8 know, were denied Jay.

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

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

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

25           The doctor told him that they did not have

1 the Norvas and that they would just increase the  
2 Procardia to 10 milligrams rather than the Norvas  
3 which was five and it was not, the Norvas wasn't  
4 available.

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

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

1 for at least that 30 days or 45.

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

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

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

21 On Monday I called to see if he had been  
22 transferred because every day he was supposed to be  
23 transferred. I didn't even know he was going to be  
24 in the county jail for the three and a half weeks he  
25 was there. In your mind you think you are doing a

1 plea bargain, everything is set, he would be moved  
2 immediately to San Quentin. 30 days he would be  
3 there; I would see him. That's what I had hoped.

4           So on the sixth I did call and Jay had been  
5 transferred to San Quentin. And on one hand it was  
6 good because the time and a half then started. We  
7 were told once he hit San Quentin his time and a half  
8 would start and then it would cut in half. So he was  
9 transferred then.

10           And I then -- I got letters from Jay at  
11 that point. I started getting mail from him. Jay's  
12 first, one of his first letters, his first cell mate  
13 was mentally ill and paranoid; he would talk to  
14 himself. Jay said it was terrible in his letters.  
15 The guy, he was off the streets, he refused to take  
16 showers, he talked to himself, he would yell, he was  
17 delusional. And Jay said he was receiving no  
18 medication at that point. And when you are in a  
19 six-by-eight cell, which is very small and two people  
20 in this cell so when he would pace back and forth,  
21 and never quiet, and it is very noisy there. Jay  
22 asked one of the guards after I think Jay was with  
23 this particular man for two weeks, almost three, he  
24 was going out of his mind and he said he didn't sleep  
25 because Jay was afraid.

1                   So Jay asked to be moved and the guard said  
2 he would get back to Jay after the end of the day and  
3 see about getting him moved. And San Quentin is very  
4 full, it is over full, it has got way too many -- it  
5 has got way too many prisoners for as many beds that  
6 you can be in, so to move Jay I think was a big deal.

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

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

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

1 from you, I guess it is just a cell, that's it.  
2 There's no writing material, there's no nothing.  
3 They do send a psychiatrist to talk to you and Jay  
4 did talk to a psychiatrist, he explained what had  
5 happened, and she said she would look into it.

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

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

17           During the time Jay spent in San Quentin it  
18 became clear that Jay was not receiving his mail. I  
19 would consistently receive letters from Jay  
20 requesting that I write and asking why I hadn't. All  
21 the while I was writing. And I overnighted the  
22 approval form for the visitation which -- so you have  
23 to be approved to show that you are not a criminal  
24 yourself in order to visit someone in prison. And I  
25 finally got that back and I was able to see Jay on

1 July 29th for one hour, through glass, in shackles,  
2 which was devastating for me.

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

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

24 And Jay then was moved finally October  
25 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.

1                   The next day I called again and was told  
2 Jay was transferred but they wouldn't tell me where.  
3 So there is a group in California that's called  
4 Friends Outside. They're not at all the prisons from  
5 what I understand, but they are at San Quentin. And  
6 in my time, from the first, when Jay first was  
7 incarcerated at San Quentin I was told about Friends  
8 Outside from another outside source and began to talk  
9 to Bill Klein, who happens to be the representative  
10 in San Quentin, and what his -- what he does for you  
11 is I would call him and he would go in and check  
12 because I was so concerned with Jay's heart  
13 condition. And when he was transferred from the  
14 county jail and because he was ill I was worried so I  
15 called him and he actually went in and looked at Jay,  
16 sat with Jay and talked to him and came back and  
17 called me, which I was very grateful for, told me  
18 that Jay was doing okay and that he looked good and  
19 that he was a nice man which was kind of nice for me,  
20 because when you are talking to people, when you tell  
21 people your husband is in prison they always assume a  
22 monster, they do. People assume monsters, prison.  
23 That was one of the things that I had to learn to  
24 live with, that -- and I'm just as guilty as some of  
25 the public realizing that they're not all monsters;

1 that there are people in there that just need help,  
2 people in there that --

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

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

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

22 I found out Jay -- where Jay was at. At  
23 that point he -- I did not -- he did not know that I  
24 knew that he had been moved so I called the High  
25 Desert State Prison on August 16th and verified that

1 Jay had been transferred there and then I was able to  
2 make arrangements for the visitation.

3 I flew to Reno and rented a car and went  
4 into Susanville and then saw Jay on Saturday and  
5 Sunday, which, thank God, because he died on the  
6 25th.

7 Jay did look bad but I attributed that  
8 because he had not been outside. One of the things  
9 at San Quentin, he said when you do go out, you  
10 really are not -- it is very racial there and in the  
11 letters Jay said that there was a lot of -- the  
12 whites stay with the whites, the blacks stay with the  
13 blacks. The Mexicans have two groups; the  
14 non-speaking English and then the Chicanos, and they  
15 had these rules. If you have a problem you go to the  
16 head man and that head man talks to that group, to  
17 that group. You don't ever talk or socialize, you  
18 sit at -- the showers are segregated, the tables are  
19 segregated. You don't ever talk to another outside  
20 of your race, you stay with your own, you have no  
21 choice. Jay was in the woods because he belonged to  
22 no group, that's what he was told. He was an old G,  
23 old guy. He didn't belong to a White Supremacist  
24 group, he didn't belong to anything, so he was in the  
25 woods. And in his letters he explains all that to

1 us. And there are cards. You probably know about  
2 this. So I learned things I never though I would  
3 have learned.

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

15 On Sunday I saw Jay again, and standing in  
16 line I got to hear the sirens go off and  
17 firing, the shots being fired in the air, everybody  
18 on the ground. The way it was, the gates you could  
19 see through because you are outside standing in line  
20 to go inside to be checked in, and then that was  
21 quite an experience. Everybody in the line, you hear  
22 them say, "Oh, my God, we won't get to visit" that  
23 day and "What unit is that? Is that the B?" "Oh,  
24 that's the B Building." Because then you know that  
25 there's a problem and you are not going to go in

1 there. What the problem was, I don't know. That in  
2 itself was -- just standing outside the gates  
3 watching and the warning and everybody dropping to  
4 the ground. And then Jay saying even in their  
5 building, once those sirens go on, everybody hits the  
6 ground and you don't know what's going to happen.

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

21           So when Jay walked back to the particular  
22 guard that sent Jay over there asked him, "Did you  
23 get your heart medication?" And Jay said no, and  
24 that particular guard said that that guard was not a  
25 nice person. They don't talk like that, though.

1                   So Jay asked again for the meds. And I was  
2 told that somebody came by on Monday and said that  
3 Jay would receive his medicines either that night or  
4 in the morning. Jay died and was gone in the morning  
5 so he didn't receive his medicine.

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

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

22                   I received -- I wrote to Governor  
23 Schwarzenegger twice. On the second time I actually  
24 did get a response. He sent it to the California  
25 Department of Corrections and Health Department and I

1 have received a letter from them. I all I got from  
2 that was that I need to prove that I have a right to  
3 have Jay's records, although they did release his  
4 body to me and his personal belongings. I have not  
5 finished the letter back to them probably because, on  
6 one hand, I want to know why Jay died, but you can't  
7 bring him back.

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

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

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

1 has to be accountable?

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

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

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

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

20 MS. FIGUEREDO: Retaliation.

21 MS. WRIGHT: One of the other inmates that  
22 I was talking about, in his letters, he writes to me,  
23 and I asked him if he would speak to my attorney. He  
24 doesn't want to; he is afraid. He just wants to do  
25 his time and go home, you know. He doesn't want to

1 step forward because he just wants to do his time and  
2 go home. I don't even know why he is there, it  
3 doesn't matter, but his letters were very kind to me.  
4 And I -- I don't know.

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

17 MS. WRIGHT: One of the things I do  
18 think is important, and I do hope that there is  
19 access to the prisoners, that they -- if they have no  
20 medicines or need medicines there is an inside line.  
21 Why could there not be a phone that goes directly to  
22 the infirmary or to somebody who is responsible to  
23 say I need my medicine. I understand that diabetics  
24 in the county jail go into diabetic shock quite  
25 commonly, it is common because they don't have their

1 insulin. They have to have it. The State of  
2 California is in a very poor state as far as taking  
3 care of their inmates. I don't know about the other  
4 states.

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

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

15           MS. WRIGHT: Thank you.

16           JUDGE GIBBONS: Thank you for coming.