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2 **IN THE UNITED STATES DISTRICT COURT**
3 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
4

5
6 ALEJANDRO MADRID, et al.

7 Plaintiffs,

8 vs.

9 JAMES E. TILTON, et al.

10 Defendants.
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NO. C90-3094-T.E.H.

EXHIBITS RE SPECIAL MASTER'S
DRAFT REPORT RE STATUS OF STATE
OF CALIFORNIA CORRECTIVE ACTION
PLANS FOR ADMINISTRATIVE
INVESTIGATIONS AND DISCIPLINE;
RECOMMENDATIONS

22 **NOTE: This PDF version only contains exhibits 2, 3, 5, 6, 7, 8 and 10. The mailed hard**
23 **copy will contain a complete set of exhibits 1 through 13.**
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APPENDIX OF EXHIBITS

Exhibit #'s

2. "Reforming Corrections" Report of the Corrections Independent Review Panel.
3. February 17, 2004 Memorandum to All CDC Employees from Roderick Hickman re "Zero Tolerance Regarding the Code of Silence."
5. Calipatria State Prison "Rat Trap" Notice
6. CCPOA "Hickman Bucks."
7. CCPOA Flyer re CDCR Secretary Roderick Hickman.
8. June 21, 2004 page from Paco Villa website (<http://ccpoa.blogspot.com/>).
10. CCPOA Flyer depicting Governor Schwarzenegger, Brigid Hanson and Tim Virga.

EXHIBIT 2



Reforming Corrections

Report of the
**Corrections Independent
Review Panel**

Presented to

Governor Arnold Schwarzenegger

June 2004

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Labor Contract

In any organization, there must exist a balance between management's obligation to direct the activities of the department to achieve operational goals and a union's obligation to ensure that its members receive just wages and work in a safe and fair environment. Historically, influence and power has shifted between these two entities in the California correctional system. The agreement between the state and the California Correctional Peace Officers Association, which is in effect from July 1, 2001 until July 2, 2006, clearly has resulted in an unfair and unworkable tilt toward union influence. The Department of Personnel Administration, which negotiated the contract, did not adequately represent the interests of the Youth and Adult Correctional Agency and its departments. The Secretary of the Youth and Adult Correctional Agency had little, if any, influence on matters that affect department operations.

The agreement contains numerous provisions that seriously undermine the ability of management to direct and control the activities of existing correctional departments and the new Department of Correctional Services. It is unclear whether adjustments can be made to the current agreement, but at the very least, the following should be considered in negotiating a new agreement.

Recommendations

- **The Secretary of the Department of Correctional Services should be responsible for negotiating all matters that involve the management of the department.**

Wages and benefits are clearly negotiation rights that should be reserved for the Governor and the Legislature. However, the Secretary of the Department of Correctional Services must be involved in any negotiations that affect the efficient operation of the department. Only management is in a position to ascertain how proposed concessions or agreements in this area could effect long-range planning and goals.

- **Management personnel should have their own bargaining unit.**

At present management personnel receive no longevity or education bonus. As a result, qualified personnel are reluctant to attempt to promote because by doing so they would lose benefits available at the lower ranks. Giving management personnel their own bargaining unit would also enable them to negotiate increased benefits, which would make it more desirable to join management ranks.

- **The California Correctional Peace Officers Association should not be guaranteed a seat on management committees just because an employee the union represents is on the committee.**

It is management's prerogative to staff a committee as it sees fit. Arbitrary rules that dictate membership on a committee do not serve the best interests of the organization.

- **The California Correctional Peace Officers Association should not be a member of any committee that reviews staff assaults.**

Management may choose to have peer representation on the committee but it is management's prerogative to review such matters without union participation. The current contract gives the California Correctional Peace Officers Association two bites of the apple. First, it sits on the committee that makes recommendations as to whether or not an assault is within policy, and then it defends officers in punitive actions that result from inappropriate use of force.

- **The Correctional Peace Officer apprenticeship program should be eliminated.**

The apprenticeship program has not produced qualified candidates in significant numbers. Entry-level cadets should be on probation for one year after their graduation from the academy. Their training, mentoring, and final decision as to permanent employment is a management right. Management should designate a field training officer employment classification, whose members will be specially selected and trained to oversee a probationer's progress. It is management's decision to terminate a probationary employee and that employee should have no appeal rights other than a "liberty" hearing before the Director of Training to ascertain whether the decision to terminate is justified.

- **Training lesson plans should be formulated and implemented by management without prior approval from any outside entity, such as the Correctional Peace Officers Standards and Training Commission.**

At present, training lesson plans can be delayed for years because of disagreements between the members of the Correctional Peace Officers Standards and Training Commission, on which the California Correctional Peace Officers Association enjoys 50 percent membership. Training is also a management right and is based on organizational needs. Under the reorganization plan proposed by the Corrections Independent Review Panel, an independent Office of Personnel and Training would have the department-wide responsibility for all training.

- **Adverse action and citizen complaint documents should not be purged from an employee's files.**

Safeguards should be established to ensure that not-sustained complaints cannot be used for the purposes of promotion and transfer, but management must retain a record of all incidents for risk-management purposes.

- **Seniority should not be used for transfers, overtime, and assignments.**

In order to fulfill its mission, it is crucial that management have the ability to post its best employees in the most critical assignments. The union should have no say in this matter. In addition, granting permission to work overtime based on seniority ensures that the highest paid employees will get that assignment. This does not guarantee that the best employee will be selected, but it does guarantee that it will cost more money. Using seniority for transfers greatly impinges on management's right to assign employees based on need and competency. It is permissible to use seniority for the selection of vacations.

- **Longevity pay should be based on time in the department, and not time in the California Correctional Peace Officers Association.**

Employees should be rewarded for longevity in the department. The state should neither discourage nor reward union membership.

- **The present 70-30 percent rule for assignments and overtime should be eliminated.**

Only management should be responsible for the posting of employees, and posting should be based on merit without union participation. A fundamental obligation for management is to deploy the best personnel in the most critical assignments. It is unacceptable to have the union make these decisions.

- **The present sick leave policy should be revisited to ensure that management has the right to inquire and take corrective action relative to sick leave abuse.**

Present contract provisions make it difficult for management to investigate sick leave abuses, such as chronic use of Friday and Monday sick leave to correspond with a weekend off. The result has been a surge in sick leave use at great expense to the state.

- **The contract section on personnel investigations (9.09 and related side letters) should be revisited.**

The present contract mandates that management give an employee pertinent information relative to an investigation before the first interview. It makes no sense to give an employee a copy of the investigation BEFORE the investigation is completed. This practice encourages the "code of silence" afflicting the state correctional system and could contribute to retaliation against "whistle-blowers."

EXHIBIT 3

State of California

Youth and Adult Correctional Agency

Memorandum

Date : February 17, 2004

To : All California Department of Corrections Employees

Subject: ZERO TOLERANCE REGARDING THE "CODE OF SILENCE"

The California Department of Corrections (CDC) is only as strong as the values held by each of its employees, sworn and non-sworn. How we conduct ourselves inside our institutions and in the Central Office is a reflection of those values.

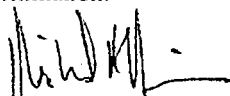
The "Code of Silence" operates to conceal wrongdoing. One employee, operating alone, can foster a Code of Silence. The Code of Silence also arises because of a conspiracy among staff to fail to report violations of policy, or to retaliate against those employees who report wrongdoing. Fostering the Code of Silence includes the failure to act when there is an ethical and professional obligation to do so.

Every time a correctional employee decides not to report wrongdoing, he or she harms our Department and each one of us by violating the public's trust. As members of law enforcement, all Correctional Officers must remain beyond reproach. The public's trust in this Department is also violated by retaliating against, ostracizing, or in anyway undermining those employees who report wrongdoing and/or cooperate during investigations. There is no excuse for fostering a Code of Silence.

Your hard fought efforts to protect the public deserve recognition. Recently, however, the public's trust has been undermined by the operation of a Code of Silence within the CDC. To correct this problem we are taking steps to ensure the Department exemplifies integrity and instills pride. Part of this effort is the immediate implementation of a zero tolerance policy concerning the Code of Silence. We will not tolerate any form of silence as it pertains to misconduct, unethical, or illegal behavior. We also will not tolerate any form of reprisal against employees who report misconduct or unethical behavior, including their stigmatization or isolation.

Each employee is responsible for reporting conduct that violates Department policy. Each supervisor and manager is responsible for creating an environment conducive to these goals. Supervisors are responsible for acquiring information and immediately conveying it to managers. Managers are responsible for taking all appropriate steps upon receipt of such information, including initiating investigations and promptly disciplining all employees who violate departmental policy.

Any employee, regardless of rank, sworn or non-sworn, who fails to report violations of policy or who acts in a manner that fosters the Code of Silence, shall be subject to discipline up to and including termination.


RICHARD RIMMER
Director (A)
California Department of Corrections

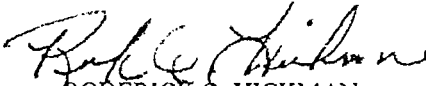

RODERICK Q. HICKMAN
Agency Secretary
Youth and Adult Correctional Agency

EXHIBIT 5

ATTENTION ALL CCPOA MEMBERS

The CCPOA California Chapter Representatives have been trying to locate Warden (A) Stuart Ryan and his Leaphart to attempt to talk to them about their inappropriate actions, threats and false allegations. However, we have been unable to locate them to discuss the matters.

Since they appear to be on the run, CCPOA will attempt to catch them so that we can confront them about our issues.

(Note: If you see any traps like the one below, please avoid them as they can be dangerous.)



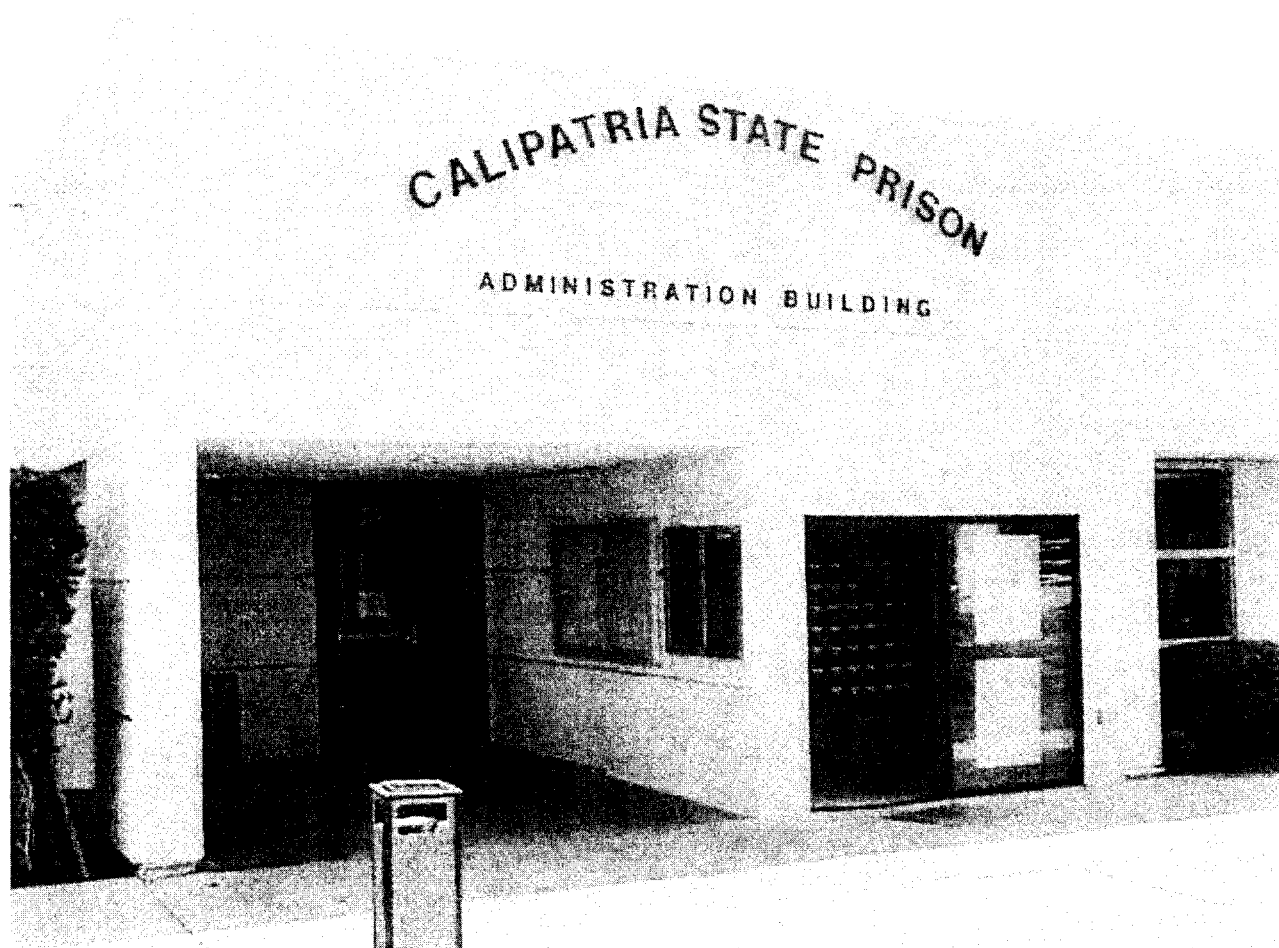


EXHIBIT 6

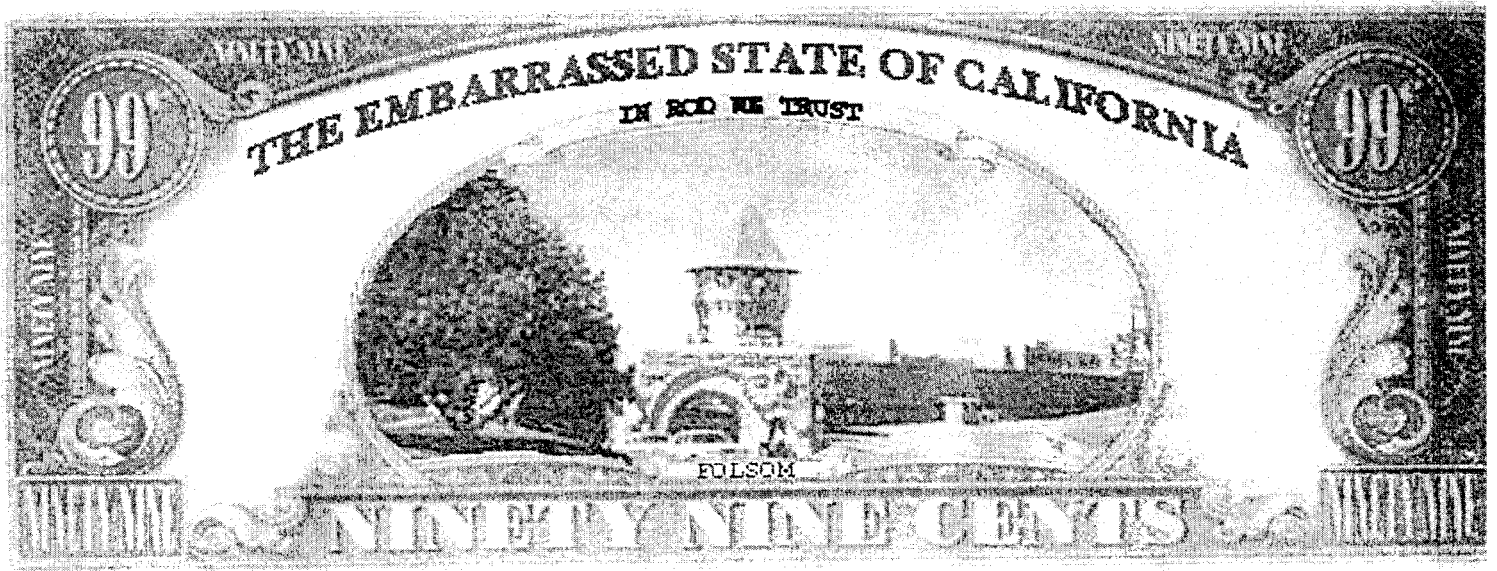
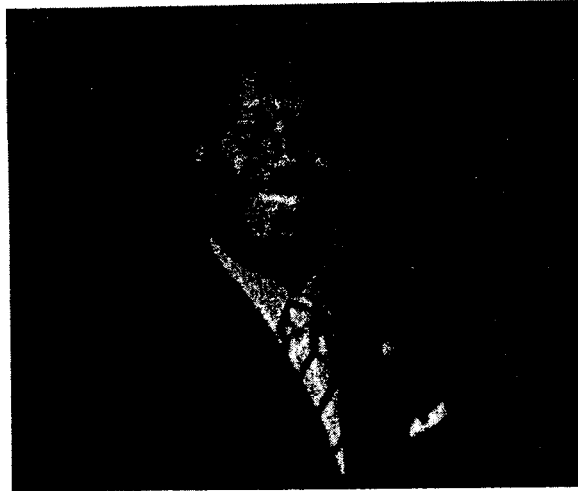


EXHIBIT 7

Would you buy a used car from this man?

🚗 **Of course not!** 🚗



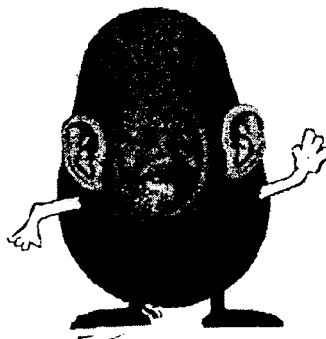
"Rodney" Roderick Q. Hickman
aka "SPUD"

So, why is he running the prison system?

Known to corrections employees as "Spud," the Governor's walking hot-potato, Rodney 'Q'. Hickman ascended the ranks of the Department of Corrections the old fashioned way: **back-stabbing, glad-handing and conniving**. How else can we explain the elevation of a man LACKING A COLLEGE EDUCATION to oversee the largest correctional system in the nation? Here are some other things to consider:

- Spud's performance to date indicates he works for Court Special Master John Hagar. He has shown no leadership, choosing instead to follow Hagar's lead.
- Spud sold out CDC employees by falsely representing that a pervasive "code of silence" existed. IF THAT WERE THE CASE, HOW COULD SPUD HAVE BEEN AWARE OF IT, DID NOT REPORT IT, YET HAD NOT BEEN A PART OF IT? He's either a liar or a rat.
- Spud has been dishonest and inaccessible in his dealings with our representatives.
- Both Rank-and-File AND Supervisory employees agree: **we have no confidence in this man**. He is intentionally misrepresenting our profession to advance his own, self-serving goals.

The more you learn about Spud Hickman, the less there is to like...unless you are Judge Thelton Henderson or John Hagar. We have learned all we NEED to know about him:



SPUD HICKMAN HAS TO GO!

EXHIBIT 8

MONDAY, JUNE 21, 2004

Hickman's official resume translated: *JUST in time for the confirmation hearing!*



Click on title to view Rodney Q. Hickman's official resume on the YACA website. Or, if you prefer...

The following is the unedited resume of the YACA-Chief-2B, interspersed with Paco's translation in **BOLDFACE** type.

Roderick Q. Hickman was sworn in as Secretary of the California Youth and Adult Correctional Agency on the first day of Governor Arnold Schwarzenegger's Administration, November 17, 2003.

Governor Arnold Schwarzenegger (GAS) didn't know sh*t from Shinola about corrections and appointed Mr. Hickman at the behest of former Wilson Administration

EXHIBIT 10

EMPEROR'S NEW CLOTHES

What beautiful
new clothes.

But he's
naked!



California Correctional Peace Officers Association

A. Wein

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18 I declare under penalty of perjury under the laws of the State of California that the foregoing is
true and correct. Executed on June 21, 2006 at San Francisco, California.
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20 
21 Kristina Hector
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