

## **CALIFORNIA MEDICAL FACILITY 2009-2010 Grand Jury Report**

### **REASON FOR INSPECTION**

California Penal Code Section §919, Subsection (b) provides: “The Grand Jury shall inquire into the condition and management of the public prisons within the County.” Pursuant to the statute, on October 21, 2009, the 2009-2010 Solano County Grand Jury inspected the California Medical Facility located at 1600 California Drive, Vacaville, California.

One member of the Public Safety Committee recused himself from participating in the investigation and report process.

### **GRAND JURY ACTIONS**

- Interviewed the Acting Warden and Administrative Staff
- Toured the Ambulatory Care Unit
- Toured the new Mental Health Crisis Bed Unit
- Toured the Department of Mental Health licensed hospital within California Medical Facility
- Toured the Hospice Unit
- Toured the Urgent Care Unit
- Toured inmate housing units
- Toured the Administrative Segregation Unit
- Toured the Education Center
- Toured the Art Center

### **BACKGROUND/SUMMARY**

The California Medical Facility (CMF) was established in 1955 by the Legislature to provide a centrally located medical/psychiatric institution to meet the health care needs of the adult male inmate population in California’s prisons. Upon entering CMF, prisoners are assessed and assigned a security level from Level I (minimum security) to Level IV (maximum security). An inmate’s security level is based on an individual assessment of his criminal history, prior incarceration history, current commitment offense and actions during incarceration. CMF is designed as a medium-security prison. However, due to its mission as a medical/psychiatric treatment facility, CMF houses inmates of all four levels of security risk, from minimum to maximum. Level IV inmates are in the minority and whenever appropriate, are transferred to maximum security prisons that have facilities designed to meet the needs of inmates requiring medical and/or psychiatric care. The majority of CMF inmates are housed inside the perimeter of an electrified security fence in cells that accommodate one or two prisoners, in dormitories with shared living quarters or in the medical units. The lowest security risk inmates are housed in dormitories outside the electric fence and can be assigned to work on community projects.

The facility was originally designed to house 2,315 inmates. Housing areas have been reconfigured over time, and the current inmate capacity is 3,000. The daily inmate census is approximately 2,950. Of this number, over 2,800 inmate patients have chronic medical and/or mental health conditions. The remaining inmates work in the kitchen, library, and provide janitorial and landscaping services. The staff appears to be managing the California Medical Facility well, given that the present population is near capacity. CMF is staffed by approximately

1,962 employees, comprised of 891 sworn custody staff and 1,071 health care and support staff. The Budget Authority and State Controller's Office Employment History Records for August 2009 show that physician and nurse staffing levels are at 100%. However, staffing levels in the Pharmacy are at 60%. The current operating budget for the facility from the California Department of Corrections and Rehabilitation (CDCR) is approximately \$200 million. About 44.5% of the budget (\$89 million) funds clinical services. In addition, the Department of Mental Health has an annual operating budget of approximately \$50 million.

The facility appeared clean and well maintained. Inmates are allowed to purchase, at their expense, a small television, radio or CD player for use in their cells, but reception is limited. There are pay telephones available for use by the inmates where they may make collect calls to outside parties. All inmate telephone calls are monitored. Inmate mail is opened and inspected for security purposes.

## **COMMUNITY SERVICE AND CHARITY**

Work crews (8 inmates per crew) take care of Keating and Al Patch ballparks, gardening and janitorial support to Napa State Hospital, and work on Alamo Creek flood and weed abatement. Last year, working on Vacaville public works jobs, the inmates saved the community 23,520 man hours. The inmates also give back to the community. The Bicycle Refurbish Project takes donated bicycles and rebuilds them for those who cannot afford one. Money for parts and paints comes from the recycling of aluminum cans at the institution. Inmates, using their own money, can purchase snacks and sundry items not provided by CMF from the canteen. This year, from February to October, the inmates have raised \$18,345.32 from a portion of canteen sales. Money was donated by the following inmate groups: Alcoholic's Anonymous, Long Term Commitment, Veteran's Outreach and Narcotic's Anonymous. Money was donated to the following charities: Vaca Pena Middle School Wrestling program, Rainbow Children's Center, Correctional Peace Officer's Foundation, Katargeo, Northern California Burn Foundation, Grant Union High School Football Program, Firefighter's Burn Institute, Food for Children, Livestrong- Lance Armstrong Foundation, Vacaville Public Education Foundation, W.E.A.V.E., A.V.P., Armijo Sober Grad Night and North Bay Operation Hands-Up. The CMF staff participated in "Pigs at the Plate" and CMF Fire participated in the "Pay the Boot" drive, where funds go to the Burn Center in Sacramento. CSP-Solano and CMF contributed \$6,503 and a CMF inmate food sale added another \$911. Last Christmas, CMF partnered with Edwin Markham Elementary School to provide gifts for over 800 children.

## **CONTRABAND**

**CMF Staff indicated to the Grand Jury that cellular phones pose a potential serious security problem for the facility.** Prisoners who possess illegally obtained, unmonitored cell phones have the capability to communicate and coordinate escape plans and other illegal activities. Using a network of cellular phones, incarcerated gang leaders may order simultaneous riots, attacks on other gangs and staff assaults throughout the California prison system. They can also order killings and oversee other criminal activity outside the prison. Only approved staff may carry State-issued cellular phones inside the facility. Any other cellular phones must have prior approval from the Warden to be brought into the secure perimeter of the facility. Despite all efforts, prisoners still obtain access to cellular phones. Staff members have been terminated for providing cellular phones to inmates. It is the opinion of prison administrators however, that most cellular phones in the possession of inmates have either been smuggled in by visitors or have been tossed over the perimeter fence from the outside by confederates of inmates.

Prison staff is hampered by a disciplinary system that is governed by legislation and case law that imposes no serious penalties for cellular phone possession by inmates. Possession of a cellular phone merely results in the loss of good behavior credits, which can easily be restored over time. This year, CMF started "Operation Disconnect" which was an intensive training program for Correctional Officers and support staff. An unannounced pocket check of employees on the Day Shift resulted in the discovery of 44 cell phones. These were personal telephones and not contraband. The employees were advised that in the future, adverse action reports would be written up.

## **DEPARTMENTS**

CMF Hospital Services meets the medical needs of the inmates with:

- 65 licensed general acute care beds
- A 76-bed Intermediate Care Unit
- A 50-bed Mental Health Crisis Unit
- 21 licensed elderly-care beds
- Three negative-pressure isolation rooms
- Surgical services with two operating rooms and a minor surgery room
- A 17-bed licensed Hospice Unit for terminally-ill patients
- A full range of outpatient services

CMF has a fully functional licensed hospital providing medical, surgical and mental health services. The hospital includes a clinical laboratory, radiology, pharmacy and dietary services. In addition, treatment is provided for respiratory problems and kidney disease. The 2009 flu season brings the highly contagious H1N1 virus. CMF sent staff to local public health meetings to be current on the latest issues regarding the virus. CMF employees are encouraged to be vaccinated through their health providers and CMF has a supply of vaccine for the inmate-patients. CMF does not have space to quarantine inmate-patients.

Only one autopsy was performed for unattended deaths during the past year. CMF has requested autopsies from the Coroner's Office on unattended deaths for the purpose to defend against litigation. Pursuant to California Health and Safety Code Section 102825 and Government Code Section 27491.5, the decedent's physician of record, who possess sufficient knowledge of the individual's medical history is required to provide an opinion as to the medical cause of death and should sign the death certificate. This does not require the physician to be present at the death or view the remains. The law requires that the physician be able to reasonably provide an opinion as to the underlying cause of death after reviewing the patient's medical history. Unless there is a suspicious death, the Sheriff-Coroner's Office has concluded that a private autopsy is the next option. The Coroner's Office will allow an autopsy to take place in their facility for a minimal use fee of \$200.00. The private forensic physician fee for the autopsy averages \$3,000 to \$4,000.

CMF is considered a "Center of Learning". Medical students and interns work at CMF. Nursing students and Licensed Vocational Nurse students from UC Davis and Solano College come to CMF, as well as Technicians from CSI in Vacaville.

The Department of Mental Health works with Social Therapist students from UC Berkeley and Sacramento State. There is a nationally accredited intern program for psychologists where six are chosen out of 150 applicants.

In March 2005, CMF opened the Ambulatory Care Clinic (ACC), which provides patient care in a setting exceeding community standards. The consolidation of many satellite clinics into the ACC has enabled CMF to become more efficient in the delivery of medical care. CMF operates a hemodialysis unit with seven stations to provide acute and chronic hemodialysis treatments and services to inpatients and outpatients housed at CMF. There is also a full range of respiratory services including pulmonary function testing, sleep studies, respiratory specimen collection, medication administration, oxygen therapy and arterial blood gases for CMF patients. CMF Public Health Services provides consultation, immunization, treatment, outbreak investigation, post exposure management, disease surveillance, infectious disease reporting and in-service training. A dental care unit provides dental services, and an on-site dental laboratory prepares partial and full dental prosthetics. Inmates receive a complete dental examination upon entering the facility. Inmates under the age of 50 are examined once every two years. Inmates 50 and above receive examinations annually.

The nurse-to-patient ratio at CMF is the same as required by law for all hospitals in California. Registered nurses staff the emergency room 24 hours per day. A licensed physician is present during the regular day shift. A Medical Officer of the Day who is a licensed physician and a Psychiatric Officer of the Day, who is a licensed psychiatrist, provide after-hours care so that urgent and emergency problems can be dealt with 24/7.

CMF has special housing and comprehensive services for 500 HIV/AIDS patients. There is also a 17-bed hospice unit. The hospice unit is the only one of its kind in the State prison system and is considered to be a model for prospective hospice units statewide. The Hospice Unit offers care, comfort and support for all terminal patients. It includes a Pastoral Care Services Program to meet the spiritual needs of inmate-patients who are terminally ill to ensure that no inmate patient dies alone. Inmates who meet certain requirements can volunteer to provide support care for these patients. Family visitation is more lenient in this unit.

The Department of Mental Health operates a licensed, acute care psychiatric hospital within CMF. Mental health services at CMF are categorized into four separate levels of care:

- The lowest level of care is for inmates who require minimal support on an outpatient basis
- The second level provides a higher level of clinical intervention and a more structured system of support services while remaining an outpatient program
- The third level provides in-patient care for significantly mentally-ill inmates in need of long-term care
- The highest level is an Acute Psychiatric Program that provides an ongoing psychiatric assessment and treatment facility for acutely mentally ill inmates within a highly structured environment

The hospital was originally licensed by the Department of Health Services in November 1988. It primarily serves Custody Level I, II, and III inmates from adult male prisons throughout the state. In June 2008, CMF activated a fully licensed 50-bed Mental Health Crisis Bed Facility (MHCBF). This facility serves as a statewide resource. Licensed as a Correctional Treatment Center, the MHCBF provides the largest current concentration of crisis beds at any prison in the State. The MHCBF provides 50 beds to help meet the mental health treatment needs of California Department of Corrections and Rehabilitation inmate-patients requiring short-term crisis care. Visiting hours at CMF are on Friday, Saturday and Sunday. Inmates on good

behavior can have visitors on seven holidays throughout the year. In most cases, visitors and inmates meet in a common open secure area and may have limited and monitored physical contact. There are some inmates who, due to security reasons, are not allowed contact visits. These inmates are accommodated in an area of the visiting room where they are separated and have one-on-one, non-contact visits through a non-breakable glass partition.

The Education Center provides educational, recreational, general, and law library services for the inmates. The Center also includes an academic education program which is fully accredited by the State. This program provides classes in adult basic education at three levels based on grade level of reading. Level 1 is below 4th grade, Level 2 is 4th to 6th grade and Level 3 is 7th to 9th grade. Inmates reading at or above the 9th grade level may enroll in the GED program. In addition, classes are available for literacy and English as a Second Language. The number of inmates in need of these classes exceeds the space available. Because of budget and staff cuts, classroom time will be cut from 6 hours to 4 hours a day. The shorter hours will allow the student population to increase from 300 to 950. Due to the staff reductions and student increase, inmate mentors will be utilized to help with all subjects.

Eligible inmates may take classes and earn credits in courses offered over the internet by local community colleges. Inmates within 120 days of release are assigned to a re-entry program. Emphasis is placed on employment skills, communication skills, money management, community resources, parole resources, self-esteem, social values and taking personal responsibility. Vocational education is available in the fields of horticulture, electronics, fiber optics, Microsoft Office User Specialist, and janitorial services. Students in the electronics program are required to complete 18 certification units. Certification is offered through the Electronic Technicians Association International.

The Education Center also provides a Disability Placement Program for disabled inmates. A resource center and classrooms are set aside for inmates with vision, hearing, speech, and mobility impairment. Instruction is provided in computer use with adaptive software for disabled persons (basic literacy skills, Braille and American Sign Language). Other inmates may volunteer to take part in a program to transcribe books onto tapes and into Braille format. CMF has a small Occupational Therapy Unit consisting of weaving and art. Inmate mentors teach one another how to paint and draw. Staff members can request an inmate to create artwork to be displayed in their workspace. Their art is displayed in the visiting center as well as throughout the institution. This unit serves 20% of the inmates.

Lawsuits regarding prison staffing and inmate overcrowding resulted in the Federal courts placing the State Prisons in receivership in 2006. Court-appointed receivers make recommendations about the operation and staffing of prisons. At the writing of this report, CMF has made an effort to complete as many recommendations from the Receiver as possible. The completion of the receivership plan has been stalled by budget and staff cuts.

## **FINDINGS**

**Finding 1-** Budget cuts to staff and education are detrimental to helping an inmate prepare for re-entry into society.

**Recommendation 1-** CDCR should restore those funds that were removed from the educational programs. All programs should continue to be taught by qualified professionals and supported by inmate tutors. The inmate tutors' acquired skills could be used for future employment upon release.

**Finding 2-** Due to budget cuts, the Occupational Therapy Unit (OTU) is being cut back. When the patient inmate supplies his own materials, he can sell his work. By selling his work, the patient inmate is able to generate State sales tax, contribute to his restitution fund to pay back victims, and deposit money into his prison account. The selling aspect of the program was terminated four years ago because the inmates were using state funded materials for inmate profit.

**Recommendation 2-** In light of the therapeutic benefits for the inmate, every effort should be made to preserve the OTU program. Previously inmate art was sold to the public at CMF. The reinstatement of the sales program of inmate art could defray the costs of the program (supplies).

## COMMENTS

The staff appears to be managing CMF well given that the present patient inmate population is near capacity. To ease overcrowding, CMF should actively solicit the CDCR to build more wings to provide more beds for patient inmates. At the time of the inspection, CMF staff was asked about the progress of the proposed 1400 bed expansion from December 2008. CMF staff responded that the project had been transferred to San Joaquin County. On November 8, 2009, the Vacaville newspaper, The Reporter, wrote that CDCR and the Federal Receiver announced plans to build two facilities for mentally and physically ill inmates (total beds 2867) in the Stockton area. Stockton and San Joaquin County were “shocked” as they had no prior warning and were concerned about the impact of the project on their community. A follow up article by The Sacramento Bee on December 12, 2009 explained the new strategy of the Federal Receiver. The Federal Receiver signed a \$400,000 contract with a public relations firm “to build support” for the one project with 1,734 beds. The project is opposed by local government and community groups. CDCR is being sued by those same groups challenging the accuracy of the project’s environmental impact report. The CDCR and the Federal Receiver should reconsider the placing of the 1,400 bed expansion at CMF. The City of Vacaville, Solano County, CSP-Solano and CMF have a good working relationship. The City of Fairfield has become a new member of this group by welcoming a new 500 bed re-entry facility where inmates serve out the last months of their terms in job training and counseling. The additional beds at CMF could make it easier to treat patient inmates from the re-entry facility. The CMF staff increase would bring more jobs to Solano County.

There have been many academic works extolling the therapeutic use of art to elevate an inmate’s self esteem. The OTU is full of patient inmate art. A hobby program would be a good addition to OTU. Volunteer artists would be needed to monitor the program and art supplies would have to be donated or discounted for patient inmate purchase. At this time, patient inmate art is not available for purchase as all the materials are provided for by the State and thus are State property. It is important to note, as in Finding 2, when the patient inmate supplies his own materials, he can sell his work. By selling his work, the patient inmate is able to generate State sales tax, contribute to his restitution fund to pay back victims, and deposit money into his prison account. Attention could be drawn to this program by simply exhibiting the art at the Dixon May Fair, Solano County Fair and local art venues.

## **BIBLIOGRAPHY**

Smith, Scott. "Prison plans caught San Joaquin officials off guard." The Reporter  
8 Nov. 2009; 5A

Van Oot, Torey. "SAN JOAQUIN PROJECT Ex-senator, Garamendi's son hired to promote  
prison health facility." The Sacramento Bee 12 Dec. 2009

## **RESPONDING AND AFFECTED AGENCIES**

California Medical Facility  
California Department of Corrections and Rehabilitation  
The California State Legislature, Public Safety Committee  
Solano County Sheriff/Coroner

## **COURTESY COPIES**

Board of Supervisors, Solano County  
Mayor, City of Fairfield  
Mayor, City of Vacaville  
City Manager, City of Vacaville  
Vacaville Police Department  
State Senators, Districts 4 and 5  
State Assembly, Districts 7 and 8