

CALIFORNIA MEDICAL FACILITY AND CALIFORNIA STATE PRISON-SOLANO

2010-11 Solano County Grand Jury

I. SUMMARY

Funding cuts to re-entry programs offered by the prisons have reduced the opportunities for inmates to learn skills that could significantly reduce recidivism rates. The California Department of Corrections and Rehabilitation should assess the programs it offers inmates and redirect funding to those programs that have the most significant proven impact on recidivism.

In establishing its budget, Solano County relies on the use of a revenue stream that is based on census-related statistics that include approximately 8,000 prison inmates. The portion of the census-related statistics based on the prison population could change or be eliminated at any time. Revenue derived from census-related statistics can only be used for such things as transportation, health, and income security, which may not match the expenses incurred by the city or county by having the prisons within their jurisdictions.

The Board of Supervisors should add to its legislative agenda the requirement that the California Department of Corrections and Rehabilitation enter into agreements with local governments to reimburse them for impacts incurred by having prison facilities in their jurisdictions. A model for such a requirement could be the payment-in-lieu-of-taxes agreement used between the University of California and the City of Berkeley.

II. CALIFORNIA MEDICAL FACILITY

A. INTRODUCTION

The mission statement for the California Medical Facility (CMF), a division of the California Department of Corrections and Rehabilitation (CDCR), is “. . . to provide constitutionally acceptable levels of health care in a timely, professional, and cost-effective manner to inmate-patients within a safe, secure, well-maintained, and therapeutic environment that reflects community care standards. This mission is accomplished through an integrated, multidisciplinary approach.”

To accomplish this mission the California legislature established CMF in 1955 to provide a centrally-located medical/psychiatric institution for the health care needs of the male felon population incarcerated within the CDCR system. The health care services provided at CMF include:

- primary care, chronic care, and specialty care clinics
- surgery, radiology, and dialysis facilities
- occupational and physical therapy
- pharmacy services

- laboratory
- respiratory therapy
- inpatient and outpatient mental health treatment
- end-of-life care services
- services for the visually and/or hearing impaired
- services for those with other acquired or developmental disabilities

CMF provides health care in various settings as follows:

- General Population (GP)
- Outpatient Housing Units (OHUs)
- Correctional Treatment Centers (CTC)
- Licensed Prison Elder Care Unit
- Licensed Mental Health Crisis Bed CTC (MHCB)
- Licensed General Acute Care Hospital (GACH)
- Outpatient Psychiatric Facilities
- Licensed Prison Hospice
- Licensed Acute Care Psychiatric Hospital

At the time of the Grand Jury site inspection, the inmate census was as follows:

- 68 Level I¹
- 235 Level II-GP
- 423 Level III-GP
- 361 CID²
- 203 DMH³-Acute
- 82 DMH-ITP⁴
- 492 EOP⁵
- 318 Medical-GP
- 201 Medical GACH/CTC/OHU
- 77 AD/Seg⁶-GP-CCCMS⁷
- 73 ASU⁸-Psych
- 45 MHCB

There are more than 75,000 inmate outpatient clinic visits annually.

¹ Security Level

² Chronic Infectious Disease

³ Department of Mental Health

⁴ Intermediate Treatment Program

⁵ Enhanced Outpatient Program

⁶ Administrative Segregation

⁷ Correctional Clinical Case Management System

⁸ Administrative Segregation Unit

The annual operating budget of CMF is approximately \$284 million. The budget makeup is as follows:

- Custody \$114,622,148
- Education 2,067,890
- Medical 120,675,701
- DMH 46,847,801
- Total \$284,213,540

The annual cost per inmate in custody at CMF is \$103,501 as compared to an average of \$49,000 for the other CDCR facilities.

CMF currently employs 2,596 people, comprised of the following:

- 1,594 CMF employees (834 Custody, 760 non-medical staff)
- 524 *Plata* employees*
- 478 Department of Mental Health employees

*Employees specifically dedicated to satisfying the *Plata v. Davis/Schwarzenegger* settlement agreement.

B. METHODOLOGY

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, the Solano County Grand Jury has conducted inspections, performed research, and is reporting the results of that effort with the issuance of this report. The Grand Jury visited CMF twice, once to tour the entire facility and to acquire a basic understanding of its operation, and a second visit to focus on specific issues identified from the Grand Jury’s research. The Grand Jury reviewed the following documentation as part of their investigation:

- Independent inspection reports covering the following areas: Food Services, Fire Services, Air & Water, Education, Inmate Appeals, Inmate Grievances, Inmate Suicides, and Inmate Death Reports
- CDCR Title 15 Division 3. Adult Institutions, Programs and Parole
- CDCR Department Operations Manual
- Citizens Advisory Committee Meeting Minutes January 2009-November 2010
- Spill Prevention, Control and Countermeasures Plan for the California Medical Facility
- “*State prisons’ use of cages for therapy questioned,*” by Jack Dolan-*Los Angeles Times, San Francisco Chronicle*, Friday, January 7, 2011
- Responses to information requests regarding impacts of having CMF in the jurisdictions of the City of Vacaville and County of Solano

C. STATEMENT OF FACTS

Prior to the inspection tour of CMF, the Grand Jury requested and reviewed numerous recent inspection reports for the service areas of: food, fire, air & water; education; inmate appeals, grievances, suicides, and death reports. The review of these reports identified only minor infractions, which the facility is in the process of addressing. The Grand Jury found no abnormal situations when reviewing the reports of inmate appeals, grievances, suicides, and deaths.

The Grand Jury met with CMF's leadership team to tour the facility and to get a basic understanding of the operations performed within the facility. A wide variety of subjects was discussed prior to and after the tour. Subjects ranged from impact of recent budget cuts, operating a prison under control of a receiver, staff issues, use of overtime, effects of aging inmate population, community outreach, and Correctional Standards Authority audits. The Warden provided the Grand Jury with copies of the Citizens Advisory Committee Meeting Minutes as examples of CMF's community outreach program.

The staff provided overviews of each area of their respective responsibilities and provided responses to the Grand Jury's questions when asked. The Warden and senior staff directed the tour personally. Areas shown were a GP housing unit, an OHU, a CTC, a licensed mental health crisis bed, an Acute Psychiatric Program unit, the licensed prison hospice, occupational therapy, and several areas of allied support services (*e.g.*, pharmacy, laboratory, radiology). The Grand Jury inspected all areas of the educational program, specifically education program Model 2 (reading grade levels 4.0 through 8.9) and Model 3 (reading grade levels 0.0 through 9.0), vocational electronics, and the disability placement program.

The Grand Jury inspected much of CMF's physical plant as the tour was being conducted. Grand Jury members questioned the suitability of fuel oil storage relative to spill containment provisions. The staff responded to the concern by providing the Grand Jury with a copy of the facility's *Spill Prevention, Control and Countermeasure Plan for the California Medical Facility*. The plan confirmed full compliance of the questioned storage tanks. The security provisions and general overall condition of the buildings were good, considering the age and design of the facility.

The Grand Jury viewed exercise areas in use by a variety of inmates participating in different physical activities. The warden took this opportunity to point out where the new 64-bed Mental Health Crisis building will be located with construction to begin soon.

After the initial visit, the Grand Jury became aware of press coverage regarding the use of "therapeutic modules" at CMF. Because the staff had not specifically pointed out these modules during the Grand Jury's first visit, the Grand Jury conducted a second visit to inspect the modules and review the article with the staff. The Grand Jury was interested in obtaining CMF's position on the points emphasized in the article. The major point the staff wanted to make very clear was the inmate earned the use of the "therapeutic module" based solely on his security risk to himself or to the staff. The use of the module has nothing to do with being a mentally-ill inmate—it is used with all inmates who are security risks regardless of the inmate's health condition. The Courts have mandated that CMF provide treatment to meet all inmates' needs

while providing a safe environment for both inmates and staff. CMF has used these modules since the need for staff and inmate security became a priority.

II. CALIFORNIA STATE PRISON- SOLANO

A. INTRODUCTION

The primary mission of California State Prison-Solano (CSP) is to provide custody, care and treatment, and rehabilitative programs for inmates committed by the courts to the CDCR. CSP was designed as a medium-custody prison to provide housing for general population inmates.

CSP houses Level II and Level III inmates. Level III inmates are considered higher risk, requiring more security. The security level assigned to an inmate is based on an individual assessment of the inmate's criminal history, prior incarceration history, current commitment offense, and behavior during incarceration.

The housing units consist of four separate facilities, with Level III inmates assigned to Facilities One and Two, and Level II inmates assigned to Facilities Three and Four. The institution also contains a 400-bed Administrative Segregation Unit, used to house inmates away from the general population because of disciplinary or other reasons, and a 16-bed Correctional Treatment Center licensed by the California Department of Health Services to provide both medical beds and mental health beds for inmates.

CSP was built in 1984. The original institution was designed to hold 2,610 inmates. In 1996, 1,000 beds were added to the Level II dormitory facility, bringing the institutional capacity to 3,610 inmates. At the time of the Grand Jury's visit on September 29, 2010, the inmate population was 5,041, which was 193.1% of the design capacity.

B. METHODOLOGY

Pursuant to Penal Code § 919, subsection (b), the 2010-11 Solano County Grand Jury inspected CSP on September 29, 2010. During that tour, the Grand Jury was not able to complete its inspection due to time constraints. The Grand Jury returned to the institution on December 27, 2010 to inspect the Prison Industry Authority (PIA) programs.

The Grand Jury:

- Interviewed the Warden, prison management, and correctional officers
- Interviewed inmates
- Reviewed inspection reports issued by various agencies
- Reviewed correspondence and documents provided by CSP staff in response to written follow-up questions from the Grand Jury
- Toured the institution on September 29, 2010 and December 27, 2010
- Toured the Prison Industry Authority enterprises
- Reviewed the California Department of Corrections and Rehabilitation website

C. STATEMENT OF FACTS

Before the Grand Jury inspected CSP, it requested and reviewed numerous recent inspection reports covering such areas as: food services, fire safety, air and water, education, provision of medical and mental health services, handling of inmate appeals, and reports on suicides and deaths. Review of those reports identified only minor infractions, and the Grand Jury found no abnormal situations in reviewing the reports regarding inmate appeals, suicides, and deaths.

The Grand Jury met with CSP's leadership team to obtain a basic understanding of the operations performed within the facility. The discussion covered a wide variety of subjects, from the impact of recent budget cuts, operating a prison under the control of a receiver, staff issues, use of overtime by staff, community outreach, and audits by the Correctional Standards Authority.

During its inspection of the institution, the Grand Jury inspected housing units for Level II and Level III inmates, food facilities, medical facilities including the 16-bed Correctional Treatment Center which contains both medical beds and mental health beds. It also toured educational facilities and the enterprises operated by the PIA, which include an optical program that provides prescription glasses to inmates and Medi-Cal recipients, a metal fabrication plant, and a bindery.

The Grand Jury learned that State budget cuts have had a significant impact on inmate re-entry programs. Many programs have been scaled back or cut altogether. For instance, 30 teachers have been laid off from the educational programs. As of December 21, 2010, CSP had 20 teachers, 12 academic programs, and eight vocational programs (Building Maintenance, Masonry, Office Services, Electronics, C-Tech Fiber Optics, Welding, Plumbing, and Carpentry). This compares with the 59 teachers, 32 academic programs, and 17 vocational programs reported by the 2009-10 Grand Jury. The purpose of the educational programs that remain is to provide inmates with an opportunity to enhance life skills necessary for success on parole and to give them skills to increase their self esteem. The Grand Jury learned that educational programs for younger, first-time inmates have lowered the rate of recidivism for that group to approximately 15%, but these programs have now suffered significant budget cuts.

As of Fiscal Year 2009-10, there was a total of 1,414 staff made up of 715 custody staff, 421 support services staff, and 278 medical staff. However, there have been cuts in prison staffing levels since that time. For instance, on the date of the inspection in September, there were 35 vacancies for correctional officers but no funding to fill the positions. This, plus mandatory monthly furlough days, has affected the operation of the institution and has had a negative impact on staff morale.

In addition, because of State budget problems, CSP deferred non-essential maintenance. The Grand Jury learned that the deferred maintenance, which amounts to a backlog of approximately \$2.6 million, has had a negative effect on safety for both staff and inmates.

The PIA employs inmates and trains them, enhancing their ability to obtain employment upon their release from prison. It operates three self-supporting enterprises. There are waiting lists for

participation in each of the enterprises. All qualified inmates are interviewed for the positions before they are accepted into the programs. The inmates are paid a small wage, and the money can be spent on food and other personal items. The PIA enterprises can only perform work for tax-supported entities, and cannot compete with the private sector.

At the time of the Grand Jury's inspection, the Metal Fabrication enterprise employed 185 inmate workers. The program produces a variety of furniture to be used in detention facilities, such as metal shelving and lockers. It also produces large pieces of equipment for CalTrans, including snowplow components, truck bodies, and hydraulic tanks.

The Bindery enterprise employed 117 inmates. It produces different kinds of ring binders, folios, diploma covers, business card/ID holders, CDCR health files and central files (an inmate's official record), soft signs for CalTrans, and disabled person placards for the Department of Motor Vehicles.

The Optical Lab employed 61 inmates. It produces plastic and glass eyewear for statewide distribution to Medi-Cal recipients, prescription eyewear for prison inmates, Division of Juvenile Justice wards, state hospital patients, and various State agency employees. The Optical Lab currently has one inmate who has achieved the level of, and is certified as, a Master Optician.

CSP also offers a variety of Inmate Leisure Time Activity Groups and inmate self-help programs to assist in rehabilitation with the intent of reducing recidivism and increasing public safety. These programs are operated or coordinated by paid staff sponsors and/or community volunteers.

Several previous Grand Juries have reported on security issues raised by inmates' possession of cell phones. At the time of this Grand Jury's inspection in September, CSP was in the process of soliciting bids for purchase of a system that could control and monitor cell phone usage within the institution. However, it was uncertain if funds would be available for purchase of the system.

III. STATE PRISONS' IMPACT ON THE COMMUNITY

A. INTRODUCTION

In addition to the mandated inquiry, the Solano County Grand Jury has chosen to investigate the impact (either positive or negative) of having CMF and CSP located within the jurisdictions of the City of Vacaville and the County of Solano. The Grand Jury requested responses from CMF, CSP, the City of Vacaville, and the County of Solano to the following questions:

- Identify departments involved in interactions between the City or County and the State prisons
- State whether the interaction is mandated by statute, mutual agreement, or voluntary
- Describe the nature of the interaction
- Quantify the financial value or other impact (positive or negative) associated with the interaction

The incidental impacts of having the prisons located in the local jurisdictions ranged from those associated with the addition of thousands of employees and their families to the community to the services required to support two multi-million dollar penal institutions. The two facilities employ over five thousand people who contribute to and require support from the local communities. The employees contribute thousands of dollars to the communities via sales and property taxes. Local purchases of food and supplies by the prisons also benefit the local business community.

B. METHODOLOGY

The Grand Jury:

- Reviewed “Counting for Dollars: The Role of the Decennial Census in the Geographic Distribution of Federal Funds,” Brookings Institute report, March 2010
- Reviewed information from Internet regarding AB420
- Reviewed responses to information requests made to the City of Vacaville, the County of Solano, and the two prisons

C. Statement of Facts

Examples of positive impact are the voluntary contributions made by the prison inmates and employees in support of local charitable activities such as the Police Athletic League (PAL), donation of land for athletic facilities (*e.g.*, Al Patch Park), and the PIA’s support of the construction of playground equipment.

Examples of revenue-neutral impacts governed by joint powers agreements or contracts are ambulance and EMS services, inmate labors crews, CMF fire services, use of CMF’s shooting range and fire-training facility, use of the County’s public health laboratory services, the Sheriff’s housing of inmates, and the provision of potable water, wastewater and solid waste disposal services. These impacts are considered positive with the exception of the utility services. The prisons are Vacaville’s largest single user of utility resources.

Mutual aid agreements exist between the prisons, local fire districts, and the Sheriff’s Office. In addition, the District Attorney’s Office considers use of its services to prosecute crimes committed in the prison to have a slightly positive budgetary impact on the District Attorney’s Office.

The Solano County Health and Social Services Department (H&SS) is required by State law to track and provide oversight for certain communicable diseases. The County Department receives \$1.2 million in funding from the State for such tracking and oversight, but many of the services that H&SS provides, such as education, testing, and outreach, are rarely—if ever—used by the prison inmate population.

Although it is difficult to make direct comparisons, the prisons, the City of Vacaville and the County of Solano responded to the Grand Jury’s inquiry as follows:

- The prisons estimated a positive financial benefit of approximately \$11 million annually to the two jurisdictions. CMF identified three significant negative impacts associated with the prisons' high demand on water, wastewater, and solid waste disposal systems. The facility identified several other positive impacts, but did not provide financial quantification of their value.
- The City of Vacaville quantified a financial benefit of \$388,000 annually. The City did identify a potentially significant non-reimbursed cost incurred in the reviewing of regulatory documents required for facility modifications and additions. The City alluded to the benefit of having 3,550 "generally higher paying jobs with benefits" as having a positive impact on the community.
- The County of Solano identified over \$1 million of positive impact due to the inclusion of the prison population in its countywide totals for communicable diseases.

These large positive benefits claimed by both the County and the prisons are due to the financial contributions to the County as a result of adding the prisons' inmate population to Solano County's census total. The prisons cited a Brookings Institute study as the basis for their claim. The County based its claim on the prisons' higher than normal rates of communicable diseases being added to the County's rates, thus causing a larger subsidy to be provided by the State of California. At the same time, the County does not have to provide the care for the prisons' portion of these cases, which allows the County to use those funds for other health-related purposes.

The prisons cited the Brookings Institute as the source for their claim of a financial benefit to the local jurisdictions to be \$1,469 per person added to the census. The Brookings Institute states this value is the per capita number for the entire United States. The same report identifies the value for California to be \$1,729.97 per person and the value for Solano County to be \$1,295.20 per person. The report also makes the following statements regarding the values:

- **"State per capita census-quoted funding is positively related to income inequality (high annual pay, high poverty), Medicaid income limits, and the percent of the population that is rural.** The higher any of these measures, the higher per capita funding tends to be."
- "A per capita expenditure estimate is provided only to allow comparisons among geographic areas. It is not intended to suggest that the funding total will increase by the per capita estimate for each additional person counted in the census."

The California Assembly passed AB420 in May 2011 to end prison-based gerrymandering. This bill would require the prisoner's home address to be used for the census. Thus, the inmate would be included in his home city's census count. The bill is now pending in the State Senate.

Neither the City nor the County identified the negative impact of having large facilities dealing with significant numbers of people and numerous employees, which were not paying any local property taxes. Local jurisdictions and governmental institutions in other areas of the State have

acknowledged this inequity and resolved it by the use of payments-in-lieu-of-taxes (PILOT). For instance, the University of California, Berkeley and the City of Berkeley have such a PILOT agreement.

IV. FINDINGS AND RECOMMENDATIONS:

Finding 1 – Funding cuts to re-entry programs have reduced the opportunities for inmates to learn skills that could significantly reduce recidivism rates.

Recommendation 1 – The California Department of Corrections and Rehabilitation should assess the programs it offers inmates and redirect funding to those programs that have the most significant proven impact on recidivism.

Finding 2 – In establishing its budget, the County relies on the use of a revenue stream that is based on census-related statistics that include approximately 8,000 prison inmates. The portion of the census-related statistics based on the prison population could change or be eliminated at any time. For instance, the California Legislature is currently considering AB420, which would require that each inmate be included in the census count for his or her home address.

Revenue derived from census-related statistics can only be used for such things as transportation, health, and income security, which may not match the expenses incurred by the city or county having the prisons within their jurisdictions.

Recommendation 2 – The Board of Supervisors should add to its legislative agenda the requirement that the California Department of Corrections and Rehabilitation enter into agreements with local governments to reimburse them for impacts incurred by having prison facilities in their jurisdictions. A model for such a requirement could be the PILOT process used between the University of California and the City of Berkeley.

COMMENTS

The staff appears to be managing the California Medical Facility and California State Prison-Solano well, given that the present populations are near or exceed capacity, and given the present budget restrictions.

REQUIRED RESPONSES:

Board of Supervisors, Solano County (Finding 2)

COURTESY COPIES:

California Department of Corrections and Rehabilitation
-California Medical Facility

-California State Prison-Solano

Mayor, City of Vacaville
City Manager, City of Vacaville
State Senators, Districts 2 and 5
State Assemblymembers, Districts 7 and 8