

CALIFORNIA MEN'S COLONY INSPECTION REPORT

INTRODUCTION

The 2014-2015 San Luis Obispo County Grand Jury (Grand Jury) inspected the California Men's Colony (CMC) State Prison at San Luis Obispo on September 22 and 24, 2014. The Grand Jury noted the large scale and complex nature of the prison's operation.

- At the time of the Grand Jury's visit, there were 1602 total paid staff responsible for 4184 inmates serving an average sentence of 8.5 years.
- The inmate population has on average an eighth grade education and 25% suffer from mental illness.
- CMC costs California nearly \$250 million a year to operate.

Additional prison population considerations are the yet unclear long-term effects of the *Public Safety Realignment Act of 2011 (AB 109)*¹ and the *Reduced Penalties for Some Crimes Initiative (Prop. 47)*². The intent of *AB109* is to divert certain violators to county jails instead of state prisons. *Prop. 47* is designed to reduce the classification of most "non-serious and nonviolent property and drug crimes" from a felony to a misdemeanor, thereby allowing those convicted of those crimes to serve their time in local county jails rather than state prisons.

¹ *AB 109* went into effect October 1, 2011. It had no effect on the then-current prison population; it reduced the number of incoming offenders and limited new inmates to those committing more serious offenses.

² *Proposition 47* was approved by voters November 4, 2014. *Proposition 47* similarly had no effect on current CMC inmate population but reduced the numbers going into state prisons by changing some felonies to misdemeanors.

AUTHORITY

California Penal Code §919(b): “The grand jury shall inquire into the condition and management of the public prisons within the county.”

PROCEDURE

The Grand Jury compiled a list of questions which were asked during its inspection of CMC. The Grand Jury interviewed a number of CMC staff members.

Documents provided by CMC staff and reviewed by the Grand Jury included:

- Selected CMC policies and procedures
- “Accredited Certification Program” for *Prison Industries Authority (PIA)* workforce and other prison programs
- *California Code of Regulations (CCR) Title 15 Section 3084*
- “CMC Department Operations Manual” (DOM) Section 54100 Supplement and *Americans with Disabilities Act (ADA) Appeal Procedures*
- Document titled “CMC MENTAL HEALTH LEVELS OF CARE”

NARRATIVE

The Grand Jury found one major and three minor issues that are described in the remainder of this report.

MAJOR ISSUE

The state of religious life at CMC represents the most critical problem the Grand Jury encountered while inspecting the institution. The Grand Jury was told the exercise of religious life in the prison has been placed on the “back burner” and should be a high priority. While inmates are required to give up many of their rights when entering the prison, religious

expression may only be restricted when a compelling government interest has been established.³ Nevertheless according to the chaplains, attendance at religious services has been limited by custody staff; therefore it appears CMC is not in full compliance with *Subchapter 3* (inmate activities) *Section 3210* of the *CCR*.

Other situations impacting the religious life at CMC:

The chapels at CMC East

In the three chapels the Grand Jury observed doors and windows that leak during rains, asbestos in the walls (acknowledged by CMC's administration), mold and other visible substances growing in the chapels, and because of a significant amount of deferred maintenance, significant structural work is needed. The chaplains have repeatedly submitted work orders to have this work done. If you are of a religious bent the three CMC chapel structures are not a fitting place for God to make his home. If you are of a secular bent the CMC chapels do not represent a fitting place for humans to congregate.

The reporting structure for the chaplains

The chaplains at CMC are a group of highly educated professionals with decades of collective experience trying to minister to the spiritual needs of CMC inmates. This professional expertise is deployed not just in spiritual counseling but also in the practical rehabilitation of CMC inmates. Religious rehabilitation is very different from rehabilitation offered by the secular world. Currently these professionals report to the community partnership manager, a mid-level prison manager with many other duties, none of which have any correlation with religious life. The chaplains report that their unique concerns get lost in this management structure. Formerly, the chaplains reported to an associate warden who had much more authority and a broader view of the overall needs of the prison community and the way religious concerns integrate into that community.

³ *United States Code: 42 U.S.C. Sec. 2000(bb)* “(a) Findings; The Congress finds that... (3) governments should not substantially burden religious exercise without compelling justification;...”

The expense support of the chaplains

The cost of maintaining religious life at CMC is modest but real. Offering a proper Catholic, Jewish, Muslim, Protestant or Native American service requires certain physical items that cost money. In the past each of the five chaplains was afforded a small expense allowance for these items, about \$2000 per chaplain per year (about .00004 of CMC's overall budget). These allowances have been eliminated requiring the chaplains to seek funds from inmates and outside contributors to foot the bill.

Food for religious events

The Grand Jury observed the complex organization required to feed over 4000 inmates three meals a day. It is truly a daunting task. Upon inspection, follow-up visits and reading of outside reviews of the prison's food operation the Grand Jury can see that the prison is doing a very good job. The most recent outside audit offered 30 suggestions for improvement and the prison has successfully addressed all items. The Grand Jury believes this efficient food service can be improved to support the religious life at CMC. While prison policy requires food service operations cater to special dietary needs during religious events such as Lent, Passover and Ramadan, these accommodations are not always being made. For example, the timing of Ramadan meal service or the eight required Seder plate items are not honored.

MINOR ISSUE 1 – *Prison Industries Authority (PIA)* and other work programs

The Grand Jury was very impressed with the organization of the various industrial activities within the prison. The print shop, license tag printing, boot making, knitting and fabric businesses appeared to be vibrant, well run, profitable and have a willing inmate workforce working under effective supervision. While the discipline of showing up for these jobs and performing the work required is a very positive influence on the inmate's rehabilitation, in the civilian world, at least in America, employment requiring the skills of boot making, knitting and fabric work barely exists.

The Grand Jury is intrigued with the planned launch of the Paws For Life program. The program will assign inmates at CMC West to dogs that are deemed unadoptable with a high risk of being euthanized. The inmate's task will be to work with these dogs bringing them into a behavioral state where the dog can be adopted. This may be a great way to help inmates acquire skills that could have real world application leading to productive work after the inmate's release.

There are also the Fire Crews and body shop programs.

The Grand Jury encourages CMC to look for more opportunities like Paws For Life and the print shop to move the prison workforce into skills that offer good prospects for post-release employment.

MINOR ISSUE 2 – General Equivalency Diploma (GED) program

During the inspection the Grand Jury observed a high school level class in action. The organization and discipline were at a very high level. The instructor told the Grand Jury that all this work may go for naught if the GED certification program were no longer going to be available to prison students. He reported that testing was going electronic but inmates are not allowed to use computers with internet access. The Grand Jury understands that CMC is working on a solution.

MINOR ISSUE 3 – Moldy Bread

While the Grand Jury was inspecting CMC jurors were given a prison lunch which included peanut butter and jelly packets and sliced bread with which to make a sandwich. Two jurors received moldy bread in their lunch. The Grand Jury learned this is something that occurs on a regular basis in inmate lunches. Although Corcoran State Prison's PIA supplies the bread, it is ultimately a CMC responsibility for providing adequate and edible food.

CONCLUSIONS

The Grand Jury found much to praise at CMC in terms of security and safety for staff and inmates, addiction support programs, medical and mental health services, skills accreditation opportunities and high school and higher education opportunities.

The Grand Jury found six issues that require immediate attention:

- The chapels at CMC East are old, neglected and appear unsafe. They should be renovated top to bottom so that they are in complete compliance with current state building codes (*California Code of Regulations Title 24*) and can be used as appropriate places of worship for the prison community.
- The Grand Jury believes the chaplains should report directly to top management of the prison. This is important because top management, with its broad view of the institution's goals, is much more likely to appreciate the nuanced difference between secular rehabilitation and professionally directed religious rehabilitation. That change in reporting will maximize the chaplains' contribution to the prison community.
- The Grand Jury believes the chaplains, as important professional employees of CMC, should not have to go outside the prison to seek funds. A \$10,000 allowance, only .00004 of this year's prison budget, would cover the needs of all the chaplains and let them retain their dignity, strengthening the entire prison community.
- The Grand Jury found the food service operation is capable of meeting special dietary needs during religious holidays such as Lent, Passover and Ramadan, but does not currently do so. The Grand Jury believes food service can be improved to help support the religious life at CMC. Notwithstanding all of the above, *Title 15, Division 3*, of the *California Code of Regulations* requires these accommodations.
- Corcoran State Prison's PIA is the bread supplier to CMC and the bread is often served moldy with no "use by" date on the packaging. Tighter scheduling from baking,

packaging, inspecting and serving of the bread should be introduced between Corcoran and CMC.

- Prison staff indicated that the GED program, currently paper-based, is becoming digital and internet access is not available to inmates. The Grand Jury believes it is imperative the GED program continues to be available to those inmates motivated to complete their high school work. Non-internet hardware and software systems for GED programs are available and should be investigated for use in GED education and related teaching programs.

FINDINGS

F1: The chapels at CMC are dilapidated and by personal observations of the Grand Jury contain asbestos, and mold is growing on the walls and ceilings. Prison officials acknowledge this situation exists.

F2: The chaplains at CMC report to a mid-level of management.

F3: The chaplains at CMC do not receive expense money to support their ministries.

F4: Attendance at religious services has been limited by custody staff.

F5: While CMC has rehabilitation programs that can build technical skills, many of these will not be transferrable outside the prison.

F6: CMC is not currently operating a program that allows inmates to take the GED test.

F7: CMC and its bread supplier lack a distribution system that ensures bread supplied to inmates is not moldy.

RECOMMENDATIONS

R1: CMC should bring their chapels into compliance with current state building codes (*California Code of Regulations Title 24*).

R2: The chaplains should report to an associate warden.

R3: CMC should restore the expense allowance formerly provided to the chaplains; at least to the prior level of \$10,000 annually.

R4: CMC should accelerate the implementation of the Paws For Life program.

R5: CMC should ensure an acceptable and accessible GED test is available to inmates.

R6: CMC and Corcoran State Prison PIA should redesign the distribution system for bread to ensure fresh and mold-free bread is delivered to inmates.

REQUIRED RESPONSES

While state law mandates the Grand Jury inspects the prison, there is no duty on the prison to respond to any report issued. The Grand Jury encourages the prison to respond.

Presiding Judge	Grand Jury
Presiding Judge Dodie Harman Superior Court of California 1035 Palm Street, Room 355 San Luis Obispo, CA 93408-1000	San Luis Obispo County Grand Jury P.O. Box 4910 San Luis Obispo, CA 93403-4910 GrandJury@co.slo.ca.us