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California's Prisons: Violence at Folsom Prison: Causes, Possible Solutions

Joint Legislative Committee on Prison Construction and Operations

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CALIFORNIA'S PRISONS

Violence At Folsom Prison: Causes, Possible Solutions

Hearing Held by the
**JOINT LEGISLATIVE COMMITTEE
ON PRISON CONSTRUCTION
AND OPERATIONS**

*Senator Robert Presley
Chairman*

*Assemblyman Larry Stirling
Vice-Chairman*

*In Cooperation with the Assembly Committee on
Public Safety and Senate Judiciary Committee*

**WEDNESDAY, JUNE 19, 1985
FOLSOM PRISON**



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**VIOLENCE AT FOLSOM
PRISON:
CAUSES, POSSIBLE SOLUTIONS**

JOINT COMMITTEE ON PRISON CONSTRUCTION AND OPERATIONS

In Cooperation with the Assembly Committee on
Public Safety and Senate Judiciary Committee

WEDNESDAY, JUNE 19, 1985

FOLSOM PRISON

FOLSOM, CALIFORNIA

Legislators Present at Hearing

Senator Robert Presley, Chairman
Assemblyman Larry Stirling, Vice Chairman

Senator Ed Davis
Assemblyman Richard Floyd

Staff

Joint Legislative Prisons Committee

Lewis H. Fudge, Sr. Consultant

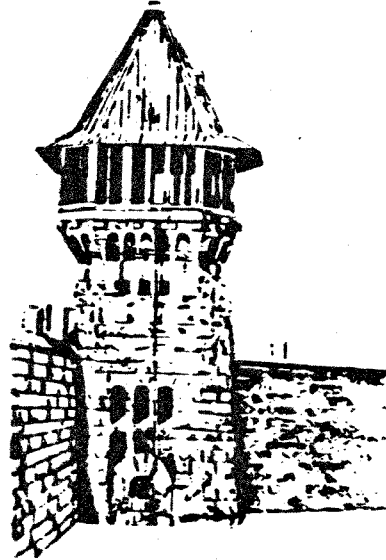
Robert E. Holmes, Principal Consultant

Barbara Hadley, Committee Secretary

Assembly Committee on Public Safety

Susan Goodman, Chief Consultant

Jeffrey P. Ruch, Consultant



More than 120 stabbings have occurred at Folsom so far this year, pointing toward an excess of 250 by year's end, and more than double last year's rate. Two inmate deaths have resulted. Weapons assaults in four days this year included 7 on March 8, 9 on March 10, 6 on April 6, and 6 on April 9. As inmate population has dropped 400, violence has increased; 58 of the assaults were by Hispanic inmates on Blacks; at least 35 by Blacks on Hispanics; many others appear gang-related, based on incident reports analyzed by Joint Prisons Committee and Assembly Public Safety Committee staffs.

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WITNESSES

James Austin, Ph.D., Vice President, National Council on Crime and Delinquency, San Francisco, researcher on prison U. S. problems

Rodney Blonien, Undersecretary of youth and Adult Correctional Facility, California Department of Corrections

Joseph Campoy, Warden, Folsom Prison

Robert Dacey, Inmate, Folsom Prison, kidnapping for ransom - life without the possibility of parole

Steve Fournier, former Folsom Chapter President, California Correctional Peace Officers Association

Dr. Craig Haney, Professor, University of California, Santa Cruz, prison analyst for past 15 years across the U.S.

Greg Hardy, Assistant Director for Court Compliance, California Department of Corrections

Joe Marquez, former Superintendent at Tehachapi State Prison, now retired

Daniel McCarthy, Director, California Department of Corrections

Tom Murton, former Superintendent of the Arkansas prison system (1967-1968, Acting Chief of Alaska Correctional Institutions, author, teacher, and lecturer, subject of the movie, "Brubaker"

Don Novey, State President, California Correctional Peace Officer Association

Paul Redd, Inmate, Folsom Prison - given 7 years to life for murder with possibility of parole

PROBLEMS AND RECOMMENDATIONS
From Joint Committee Hearing June 19, 1985, at Folsom Prison

PROBLEM	RECOMMENDATION
1. Gang violence	<ul style="list-style-type: none"><li data-bbox="909 483 1839 581">o Segregate gangs from the general inmate population; establish separate feeding and recreation schedules for gang members<li data-bbox="909 613 1871 678">o Disperse gang members throughout the prison system rather than concentrating them in one or two institutions<li data-bbox="909 711 1839 776">o Establish an even distribution of inmates by age, race, and gang membership<li data-bbox="909 808 1934 971">o Establish inmate participation policies; these could include:<ul style="list-style-type: none"><li data-bbox="947 873 1545 906">a) a degree of inmate self-government<li data-bbox="947 938 1577 971">b) inmate owned and operated industries
2. Overcrowding	<ul style="list-style-type: none"><li data-bbox="909 1073 1367 1105">o Discontinue double celling<li data-bbox="909 1138 1808 1203">o Establish early release programs in coordination with community-based programs<li data-bbox="909 1235 1566 1268">o Establish an emergency release program<li data-bbox="909 1300 1776 1398">o Change or eliminate the classification system which is responsible for overcrowding the state's maximum security prisons<li data-bbox="909 1430 1871 1495">o Continue the construction of new facilities as quickly as possible<li data-bbox="909 1528 1871 1593">o Build inmate designed and constructed facilities in order to cut construction costs and provide inmates with jobs

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3. Insufficient number of jobs for inmates

- o Establish inmate-owned and operated industries
- o Transfer low-risk inmates to other facilities
- o Change the classification or "point system" which gives long-term inmates a lower priority than others in the Work Incentive Program participation

4. Inadequate inmate educational programs

- o Expand vocational and vocational and educational programs
- o Change the classification system so that long-term inmates may participate in vocational and educational programs

5. Grievances and appeals do not receive proper attention from staff and administration

- o Establish better inmate-administration communication
- o Conduct "face-to-face" grievance inquiries since many prisoners have difficulty expressing their complaints in writing
- o Promote frequent contact between the staff, wardens, and inmates through shared meals, dormitory meetings, and "logged-in" cell block visits by wardens
- o Include inmates in the grievance review process
- o Establish a departmental auditing and investigation unit

6. Weapons, drugs, and intoxicants

- o Review limitations on visitor searches

- o Place improved weapons detection technology in prisons
 - o Institute random visitor auto searches
 - o Conduct unannounced tests of prison security systems
 - o Use drug sniffing dogs to conduct visitor drug searches
-

7. Wardens have little administrative autonomy because of judicial decisions (e.g. Toussaint case, federally appointed monitors, etc.)

8. Prison construction has been slowed by community group legal challenges and environmental impact study requirements

8. California has no center for the study of correctional institution questions such as:

- a.) the relationship between rehabilitation and recidivism
- b.) the comparative quality of different penal institutions

o Establish an institute within the existing state university system

- c.) the moderating influences of
of older inmates
- d.) the impact of returning inmates
on communities
- e.) the relationship between prison-
based and community-based gangs

9. General lockdowns intensify
the probability of violent
incidents

- o Employ targeted lockdowns rather than locking down
large segments of the prison population
- o Employ careful inmate lockdown screening
- o Establish a procedure whereby inmates may be released from
lockdown on an individual basis

10. Minorities are underrepresented
on prison staff

- o Continue the present policy of trying to recruit more
minority staff
- o Insure that minority recruitment announcements are placed
in minority newspapers

11. Prisons do not prepare inmates
to return to their communities

- o Establish new policies which would allow inmates to make
the transition from prison life to community life; these
policies could include:
 - a) allowing families to live with inmates at work camps
 - b) permitting conjugal visits

c) authorizing inmate owned and operated industries with parolees acting as outside sales representatives

d) giving inmates a measure of self-government in order to foster responsibility

Compiled by the Senate Office of Research and Assembly Office of Research
by Geronimo Tagatac and Victor Caponpon

TENTATIVE AGENDA

HEARING ON FOLSOM PRISON VIOLENCE: THE CAUSES AND POSSIBLE SOLUTIONS

Joint Legislative Committee on Prison Construction and Operations, in
Cooperation with the Assembly Committee on Public Safety and
the Senate Judiciary Committee

JUNE 19, 1985, LARKIN HALL, FOLSOM PRISON, FOLSOM, CAL.

MORNING SESSION

- 9 A.M. - OPENING REMARKS, Senator Robert Presley, Chairman, and Assemblyman Larry Stirling, Vice Chairman, Joint Prisons Committee
- 9:15 A.M. - THREE FOLSOM INMATES, testifying on conditions in the prison and possible ways to reduce the violence
- 10 A.M. - DR. CRAIG HANEY, Professor at University of California, Santa Cruz, who has studied prison problems for 15 years including the problems at Folsom
- 10:30 A.M. - DEPARTMENT OF CORRECTIONS on existing violence problems at Folsom, causes, including racial, gang-related, court-related issues; attempts to reduce violence, now and planned. Including:
- Daniel McCarthy, Director
 - Paul J. Morris, Deputy Director of Institutions
 - Folsom Warden Joseph Campoy
 - Greg Hardy, Assistant Director for Court Compliance

- NOON - SACK LUNCHES OF THE TYPE INMATES RECEIVE DURING LOCKDOWNS WILL BE AVAILABLE FOR LEGISLATORS AND LEGISLATIVE STAFF

AFTERNOON SESSION

- 1 P. M. - TOM MURTON, subject of the movie, "Brubaker;" former Supt. of (EST.) Arkansas Prison System 1967-68; Acting Chief of Alaska Correctional Institutions; in the Sixties; author, teacher, lecturer.
- 1:50 P. M. - JOE MARQUEZ, former superintendent at Tehachapi State Prison, now retired, explaining his system for holding down violence at Tehachapi
- 2:20 P. M. - JAMES AUSTIN PH.D., Vice President, National Council on Crime and Delinquency, San Francisco, researcher on prison problems across the country, including Illinois which has been able to reduce violence in its maximum security prisons
- 2:50 P.M. - CALIFORNIA CORRECTIONAL PEACE OFFICERS ASSN. (CCPOA):
- Don Novey, CCPOA State President, Folsom Correctional Officer
 - Steve Fournier, former Folsom Chapter President, CCPOA
- 3:30 P. M. - COMMENTS, TESTIMONY FROM THE AUDIENCE, INCLUDING QUESTIONS

PURPOSE OF HEARING: To constructively examine the causes of the high rate of violence at Folsom Prison and what steps could be taken to reduce it

More than 120 stabbings have occurred at Folsom so far this year, pointing toward an excess of 250 by year's end, and more than double last year's rate. Two inmate deaths have resulted. Weapons assaults in four days this year included 7 on March 8, 9 on March 10, 6 on April 6 and 6 on April 9. As inmate population has dropped 400, violence has increased; 58 of the assaults were by Hispanic inmates on Blacks; at least 35 by Blacks on Hispanics; many others appear gang-related, based on incident reports analyzed by Joint Prisons Committee and Assembly Public Safety Committee staffs.

SENATE MEMBERS
DANIEL BOATWRIGHT
ED DAVIS
ROBERT PRESLEY

ASSEMBLY MEMBERS
RICHARD FLOYD
BYRON SHER
LARRY STIRLING

California Legislature

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May 31, 1985

TO: Members, of the Legislature and Others

FROM: Senator Robert Presley, Chairman

RE: HEARING JUNE 19 ON VIOLENCE RATE, STABBINGS AT FOLSOM PRISON

In the wake of accelerating levels of violence and stabbings at Folsom Prison, we have scheduled a special hearing for June 19 of the Joint Legislative Prisons Committee to look into the violence, its causes, and what options exist to try to reduce it.

Folsom must be one of the most violent, if not the THE most violent in the nation in the number of stabbings. They will apparently have 230-250 stabbings this year, based on 115 at the halfway mark. This is just unacceptable.

The rate is already twice that of last year, and the 115 stabbings by the end of May compares to 94 in all of 1984. The hearing will look into such subject areas as:

--Whether the present methods of segregating and locking down inmates and sending the "worst of the worst" to one or two prisons (Folsom, San Quentin) is working and how much it may contribute to the violence.

--Current methods of dealing with gang members and gang leaders and whether they fully utilize gang leaders to aid in "putting the lid on violence."

--Possible increase in the use of metal detectors at the prison to ferret out inmates carrying weapons.

--Possible decreasing the use of metal utensils and availability of metal and other materials that can be turned into weapons.

--Ways to decrease drug traffic and drug dealing since I understand much of the violence involves drug deals.

--Stiffer penalties for stabbings. Unless a case is prosecuted, Corrections is limited to taking away six months of "work time" credits from an inmate, under current law (1 year if an inmate stabs a Corrections officer.)

Possible approaches to the latter might include increasing the amount of such credits that can be removed for serious violence, or permitting adding onto sentences of those inmates who commit serious violence, as is proposed in my SB 1246.

We may want to bring in an outside expert to look at the situation. Other states, other jurisdictions, I am sure, have the same problem, and there may be methods we should be examining.

The hearing is set for Wednesday, at 8:30 a.m.

Thus far in its existence, the committee has held approximately 45 meetings and hearings, primarily on aspects of the \$1.2 billion construction program. The number of these will continue, if not increase, but we also hope to get more into operational problems as well in coming months: The work time-good time sentence-reduction system; Prison Industry Authority and inmate jobs program; and the inmate classification.

Senator calls hearing into Folsom stabbings

By Laura Mecoy
Bee Capitol Bureau

The recent rash of violence at Folsom Prison prompted Sen. Robert Presley on Friday to call for a special hearing into the number of knifings at the maximum-security facility.

"Folsom must be one of the most violent, if not the most violent, in the nation in the number of stabbings," the Riverside Democrat said. "They will have 230 to 250 stabbings this year, based on 115 (stabbings) at the halfway mark. This is just unacceptable."

Presley decided to hold a special meeting of his Joint Prison Committee after reading a story in The Bee about eight stabbings Monday night at Folsom and the record number of knifings this year. Already, the number of stabbings has exceeded the total for last year.

His hearing is set for June 12, the same day the Senate Rules Committee is scheduled to question Folsom Prison Warden Joe Campoy about issues its members raised during his stormy confirmation hearing.

Since that hearing, several witnesses have complained to Senate Rules Committee

Chairman David Roberti, D-Hollywood, that prison officials have taken retaliatory actions against them.

The Rules Committee is expected to question Campoy on that point when he testifies about a bill that would require Senate confirmation for all wardens. Currently, only eight of the 12 wardens require Senate confirmation.

Since Campoy's hearings, one of the female correctional officers who testified about sexual harassment at Folsom has been fired and another has been disciplined.

Three prisoners' wives and a frequent Folsom visitor who testified also complained to Roberti that correctional officers have harassed them and their husbands.

Roberti has asked the state Personnel Board to conduct an investigation into complaints of retaliation against the female officers. He also has written two letters to Campoy questioning the treatment of visitors to Folsom.

Folsom Prison officials fired one of the key witnesses at the hearing, officer Rachel Lopez Ben, for taking illegal drugs while on

See FOLSOM, page B2

Double-celling linked to 'slow-motion riot'

By Mary Crystal Cage
Bee Staff Writer

The almost-daily stabbings in Folsom Prison are the product of "a slow-motion riot" that is worsened by double-celling inmates in the overcrowded maximum-security prison, a psychologist told a Sacramento Superior Court judge Friday.

Dr. Craig Haney, a professor at the University of California, Santa Cruz, testified during a daylong hearing to determine whether the court should order the state Department of Corrections to stop double-celling the 1,900 inmates in the prison's general-population housing units. The hearing was continued until later this month.

As of the end of May, there had been 115 stabbings in the prison — more than the 109 stabbings for all of 1984, corrections officials said.

"If all those stabbings had occurred in one day, we would call it a major riot," Haney said.

The professor has studied prisons for 15 years, including the New Mexico prison in Santa Fe, which erupted in violence five years ago. In that 36-hour prison riot, 32 people were killed and 89 others were injured.

Haney said the conditions that spurred the violence in Santa Fe — which included extreme overcrowding — also exist in Folsom. An attorney asked Haney if Folsom also could erupt in a major riot.

"Yes ... with one proviso, the (California) Department of Corrections has managed to prevent a large-scale riot through force and intimidation, but what Folsom has been having is a continual, slow-motion riot," he said.

The Santa Fe prison lacked the gun ramps directly across from inmate cells in Folsom, he said. Rifle-toting correctional officers walk

Folsom

Continued from page B1
duty at Folsom Prison, according to the letter of dismissal.

Lt. E.M. Morris said he based the firing on statements she made to the Rules Committee and an investigative report by the Corrections Department's special services unit. Lopez has admitted taking amphetamines to stay awake while on guard duty, but she said she stopped several years ago.

Officer Mary Ayala lost three days' pay and 5 percent of her salary for six months because she took off three more days for jury duty than she actually served, according to a letter from Campoy.

Nancy Post, who has been a Folsom visitor since 1979, said correctional officers strip-searched her when she visited the prison about a month after Campoy's confirmation. The prison staff conducts such searches to prevent visitors from bringing drugs into the prison.

Officers told Post, who is a member of a prison

reform organization, that they had information that she might be carrying drugs.

"Let me tell you of my criminal record: I have none," she said in her letter to Roberti. "The inmate I visit ... has no gang affiliation and is in no way involved in known drug trafficking at Folsom or the violence."

The wife of one the prisoners, Carolyn Hicks, contended prison officials switched her husband's drug test so that it would show he had consumed drugs when he had not. Another prisoners' wife, Barbara Sianez, also contended her husband was denied a promotion in his job.

The third wife, Olivia G. Walker, said prison officials have unfairly denied her visits to her husband, G. Daniel Walker. Walker's case recently was the subject of a television movie, "A Death in California."

Folsom Prison spokesmen were unavailable for comment on the prisoners' wives' complaints.

along those ramps in an attempt to quell violence.

It was one such officer who helped break up a fight in which convicted murderer Lionel Mitchell lost part of his ear when his cellmate attacked him, Mitchell testified Friday.

Mitchell, who is now in Deuel Vocational Institute in Tracy, said that when he first saw Folsom he was terrified. His experiences during three years spent in the prison did nothing to calm those fears, he said.

He said he had one cellmate who "told me that if he couldn't get along with somebody, he'd just stab them in their sleep. ... He had life without possibility of parole and he didn't care. What else could they do to him? He'd kill me if he wanted to."

After that conversation, Mitchell said, he couldn't sleep and he couldn't eat.

"I was very frightened. To sleep, I had to take sleeping pills, and I didn't know if I'd be too drugged to do something if this guy attacked me."

When he got authorization to switch cells, his cellmate became angry and asked him to stay. Mitchell refused and the man attacked him. In the fight that ensued, Mitchell's cellmate bit off the top of his right ear.

He was taken to the University Medical Center for treatment. When he returned, Mitchell said, he was even more frightened.

"I was fearful for my life. I just wanted to do my time, but I began to think either I have to defend myself or somebody's going to hurt me," Mitchell said. "I just want to be in a safe place."

Deputy Attorney General Thomas Greene said ending double-celling in

Folsom would not necessarily end violence in the prison.

Haney maintained: "I don't think there's any question that relieving the overcrowding will make things safer."

"The living environment is psychologically threatening and unhealthy," he said. "(Some inmates) talked about an inability to concentrate. A number of others talked about their concern that they'd lose control."

Haney warned that eventually, some of these people will be released back into the community. Some will be able to adjust, he said; but for others, the emotional and psychological damage will be permanent.

"And for some, the consequence of the violence that exists at Folsom will be fatal, and there's nothing more permanent than that," Haney said.

Combs become weapons at Folsom Prison, panel told

By Mary Crystal Cage
Bee Staff Writer

Seemingly harmless household items such as combs, toothbrushes and bedsprings are being converted into lethal weapons by Folsom Prison inmates waging gang warfare behind the institution's granite walls, corrections officials said Wednesday.

Violence at the maximum-security prison — which has taken the lives of two inmates year — was the focus of a daylong hearing by the Joint Legislative Committee on Prison Construction and Operations.

Folsom Warden Joe Campoy showed the committee more than 100 weapons, including spears, butcher-type knives and other stabbing instruments that had been confiscated from inmates this year.

"These weapons can be duplicated," Campoy said. "They take a piece of plastic or metal and file it down. Every cell has a built-

in file — a concrete floor, concrete walls.

"There are many people who think if you bring in two or three more metal detectors you can solve the problem ... It's not that simple."

The prison's metal detectors are so sensitive that visitors are asked to take off shoes, wristwatches and rings. Yet, they cannot detect certain types of metal, plastics and glass, Campoy said.

Weapons that are not fashioned from items in the cells are fashioned from pieces of metal and tools taken from the prison's industry area, Campoy said.

"This is one of the things that happens when people work," he said.

Inmate Robert Dacy, brought into the hearing room handcuffed and flanked by officers, said prisoners at Folsom are not the animals portrayed by corrections officials.

See PRISONS, page B3

Prisons

Continued from page B1

Conditions in prison create tensions and hatred, he said. Inmates are under constant coverage by armed guards on gun rails. The cells are too small and inmates spend too much time in them, he said.

"I'm not an upstanding citizen," said the convicted kidnapper and escapee, "but I would not inflict the kind of cruelty that's inflicted on people at Folsom. Most people are in here because they're violent people. (Conditions at the prison) enhance whatever sort of behavior put that person in prison in the first place."

Another inmate, Paul Redd, said the violence prison officials label gang warfare is simply violence between inmates.

The prison has designated certain yards for particular gangs, such as the Mexican Mafia or Black Guerilla Family, and everyone who uses those yards gets labeled, whether he belongs to the gang or not, Redd said.

It is not a gang war, Redd said, "but so many blacks have been

stabbed that blacks have taken it upon themselves to defend themselves. People have become so paranoid, if you drop your silverware, that's going to start something."

"The term 'crisis' is somewhat overused but is suitable in describing the California prison system," said Craig Haney. The University of California Santa Cruz professor has studied prisons for 15 years and said: "I've never seen the prisons in this state in as bad as condition as they are now."

The overcrowding affects every aspect of the prison. It taxes the physical capacity of the facility that "looks like an exhibit in an American Correctional Association museum except that people are living in it," Haney said.

"Lockdowns for managing inmates are the rule rather than the exception," he continued. "And inmates have said the distinction between mainline and disciplinary segregation (housing) is disappearing. Some inmates said they would prefer disciplinary segregation because

there is an established routine for lockdowns."

Committee member Assemblyman Larry Stirling, R-San Diego, told Haney it could be argued that if conditions in prison are miserable "they'll be motivated not to come back."

Haney countered: "Inmates are not vicious animals, they are human beings and the overwhelming number of them are going to come back and live among us."

The way the prisons operate, those inmates won't be prepared to live and work in society and will have little choice but to return to the type of behavior that landed them in prison, he said.

"The problem isn't knives on a board. I got that many my first week in Arkansas," said Tom Murton, the subject of the Robert Redford movie, "Brubaker."

"The basic problem isn't steel and concrete. It isn't weapons. It's the way you treat people," he said. "If you treat a man like a dog, he'll respond like a dog. The key ingredient

is that inmates have to have a vested interest in the operation of the prison."

That means giving inmates responsible jobs and forming a prisoners council to help deal with problems, he said.

James Austin, of the National Council on Crime and Delinquency, said Illinois managed to reduce prison violence by dispersing gang members among various prisons rather than concentrating the violence prone inmates in one or two institutions.

Illinois officials also reduced their prison population by releasing inmates three months ahead of schedule. The effect on crime statistics for the state was minimal, Austin said. The newly released inmates accounted for 1 percent of the crime in the state, but at the same time, the overall crime for the state declined, he said.

As long as California's prisons overcrowded, however, Austin said, he didn't see the state doing anything innovative.

Cons blame violence on overcrowding

By DOUG WILLIS
ASSOCIATED PRESS

FOLSOM — Idleness and overcrowding are the principal reasons for escalating violence at Folsom prison, a psychology professor and two prison inmates told a legislative fact-finding panel Wednesday.

University of California Professor Craig Haney and Folsom "lifer" inmates Robert Dacy and Paul Redd were among 14 witnesses who testified in a six-hour hearing on the record-breaking level of violence among Folsom's 2,928 inmates.

Since Jan. 1, Folsom has had 120 knife attacks — two of them fatal — among inmates.

That is more than double the rate of such incidents last year and seven times the rate of violence in 1982, when the state adopted a policy of transferring the worst troublemakers from the state's other 11 prisons to Folsom.

Officials said all but a half-dozen of those attacks were either Hispan-

ics knifing blacks or blacks knifing Hispanics with prison-made knives.

Inmates, Warden Joe Campoy and statewide prisons chief Daniel McCarthy all agreed that violence is at a crisis level, and that one of its main causes is overcrowding, which in turn creates secondary problems such as inadequate jobs and education programs to keep inmates busy.

"The last three years have been insanity here, since the summer of 1982, when this war began," said Dacy, who has been in Folsom since 1969 serving a life term for kidnaping and for three escape attempts.

But Dacy told the Joint Legislative Committee on Prison Construction and Operations that, in his opinion, the inmate violence "is not racial. It's definitely gang-related. It's the Mexican Mafia and the Crips (major Hispanic and black prison gangs)."

Despite the fact that inmate attacks against guards are down nearly 80 percent at the same time



AP PHOTO

ROBERT DACY, left, and Paul Redd, both serving life sentences at Folsom Prison, talk to a fact-finding panel Wednesday on the increase of inmate violence.

• Please see page A2, col. 1

Idleness, overcrowding blamed for violence

● From A1

warfare continues between rival racial gangs, inmates Dacy and Redd both blamed the violence on prison officials, attributing it to frustrations caused by overcrowding, the boredom of frequent lock-downs and cutbacks in educational and work programs.

"You sit around month after month, waiting for a (prison) job. You wait one or two years. They did away with the educational programs. You don't have anything to do month after month," added Redd, who is serving seven years to life for murder, the last three years at Folsom.

Both inmates testified in handcuffs with six guards surrounding them in a prison conference room outside the main gate.

Haney, a professor at University of California, Santa Cruz, told the lawmakers that during the past 15 years that he has specialized in the psychological effects of incarceration, "I have never seen the prisons in California in worse shape than they are today."

"There has not been in this state a major prison riot, but there has been a slow-motion riot" in the almost daily violence among inmates at Folsom, Haney said.

He added that court orders against double-celling of inmates in disciplinary lockdown cellblocks makes those units better living quarters than general population cells, where two men share 46-square-foot cells.

That compares with national prison standards of 60 square feet for a one-man cell.

McCarthy, director of all 12 California state prisons, agreed with the "crisis" description. He said his department has added 3,500 cells in the past year and is struggling to get five more prisons either started or completed in the next 14 years.

But, he said, even with that expansion, state prison populations are continuing to rise by an average of about 200 inmates per week, with a greater percentage of the new inmates being younger and more violent than the average inmate in previous years.

Protect inmates

⁷³
The death of Jesse N. Avalos of Stockton at Folsom Prison has caused me to ask the public for help. There are many of us who have our husbands, fathers of our children, sons, friends at Folsom prison; this is a time to speak up for their safety because we have seen that the prisoners are not being protected. The warden has not done the job of making sure the law is being followed.

Prisoners are sent to Folsom because they broke the law. But in Folsom, the law is being broken too many times. We see it on TV, in the newspapers every week of this year that a prisoner has been knifed. But when do we hear that the person that has done this crime ever has payed for it?

It's too late to help me with my loved one, and the father of my children for he is dead now. Now my son Jess and daughter Jessica will be left with no father.

Prisoners are not put away and locked up behind bars at Folsom to die there. They are there to straighten them out for breaking our laws.

Don't let this come to your mind: It's only a prisoner at Folsom. In God's name, we are all His children no matter where we live. We are human beings. That is what the warden must do — protect these men — for that is his job.

Please find it in your hearts to help me by writing our governor to bring safety to Folsom prison.

ESTHER QUINONEZ
Manteca

June 20, 1985

Los Angeles Times

It's Insanity Here, Inmate Says of Escalating Folsom Violence

By LEO C. WOLINSKY, *Times Staff Writer*

FOLSOM, Calif.—“The past three years,” said Folsom Prison inmate Robert Darcy, “have been insanity here, quite frankly.”

Convicted of kidnaping and locked up in the California prison system since 1969, Darcy said a recent rash of violence has created warlike conditions at the 105-year-old prison, with gangs battling over turf and “lock-down” periods lasting weeks during which inmates are confined to cells and deprived of hot meals.

“It creates hatred and tension and makes you more paranoid,” Darcy told state legislators at an unusual hearing Wednesday on the prison grounds. “You begin to hate the system so much that it cycles hatred off to other inmates.”

Darcy was one of two inmates who agreed to testify along with a number of prison officials and

criminal justice experts in response to escalating incidents of violence at Folsom and other California prisons.

Last year marked the bloodiest in the Department of Corrections' history with more than 5,000 incidents of assault, drug possession and other serious crimes. At the current rate, 1985 promises to be even worse.

8 Stabbed in a Day

Last month, eight inmates were stabbed in separate incidents in one day at Folsom. So far this year, about 120 stabbings have occurred at Folsom compared with 94 during all of 1984.

Wednesday's hearing produced a variety of possible explanations for the growing violence, ranging from prison officials' failure to segregate warring gangs, to an upsurge in

drug use and overcrowding that has forced inmates to share cells that were designed for one.

Prison officials agreed that California's prisons are in their worst shape in years. But there seemed to be little agreement whether society at large is at fault for “warehousing” inmates or whether a maze of laws and court rulings—which, for example, specify how much exercise prisoners must get and how they must be housed—is keeping prison officials from doing their jobs.

Darcy and the other inmate who testified, Paul Redd, maintained that the violence is an outgrowth of inhumane treatment by prison officials, particularly double celling and extended lock-downs.

“It builds up a lot of tension,” said Redd, who is serving a life

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PRISONS: Hearing on Growing Violence

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sentence for murder. "All you have to do is drop silverware and that will start something."

Folsom Prison Warden Joe Campoy said the violent nature of the inmates themselves combined with overcrowded conditions is responsible for the outbreaks.

Campoy cited Darcy and Redd as examples of the problem, charging that Darcy had used weapons in three escape attempts from state prison and that a confiscated letter suggested that Redd was planning a violent prison breakout.

"Their testimony ought to be taken with this in mind," Campoy told the committee.

But Campoy conceded that little can be done to stem the flood of illegal drugs into the prisons and that metal detectors in use in the prison are inadequate to detect many types of lethal weapons fashioned by inmates.

Prison officials displayed dozens of confiscated makeshift weapons for television cameras at the hearing, which was held by a joint Assembly-Senate committee on prison construction as a way of drumming up public support for building more prisons.

The day's events seemed tailored for a television audience, staged against a backdrop of the prison's medieval stone facade, with law-makers served the same sack

lunches that are provided to inmates during lock-downs.

According to prison officials, California's correctional institutions house 46,000 inmates, but were designed for a maximum of 28,000. At the rate the population is climbing, there will be 10,000 additional inmates by year's end, said Rodney J. Blonien, undersecretary of the state's Youth and Adult Correctional Agency.

Blonien said that the department's efforts to build new prisons have been hampered by lawsuits and by a long and confusing environmental assessment process required before construction can begin.

Several court decisions that restrict double celling in certain prisons and prevent officials from segregating certain seemingly dangerous inmates have added to the problem, said Greg Hardy, an assistant director in the Department of Corrections.

Other officials blamed the state's determinate sentencing law for much of the problem. The law, enacted during the Administration of Gov. Edmund G. Brown Jr., generally results in longer prison sentences, officials said. A measure that would have allowed early releases under certain conditions died in the Legislature two years ago.

But Craig Haney, a professor at

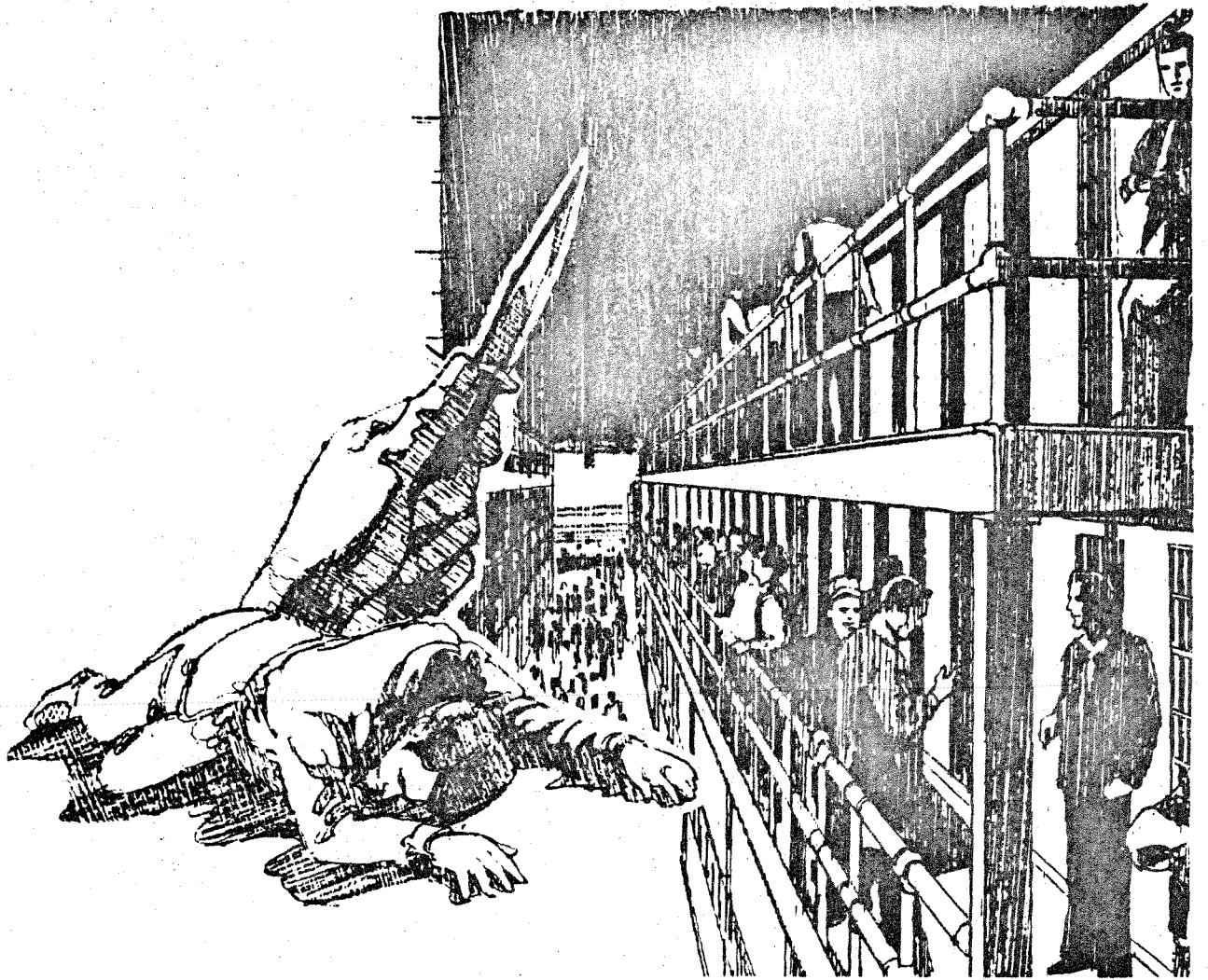
UC Santa Cruz who has studied prison problems for 15 years, said the violence results from the kind of treatment inmates receive.

"People believe inmates are vicious animals," he said. "The Department of Corrections treats them that way, so they begin to act that way."



United Press International

Inmates Robert Darcy, left, and Paul Redd testifying about the rash of violence at Folsom.



HEARING TRANSCRIPT

CHAIRMAN ROBERT PRESLEY: ...the sooner we get started, the sooner we finish. This is, as you know, a meeting of the Joint Legislative Prison Committee. We've also invited the members of the two policy committees of each House that deals with these issues--the Senate Judiciary Committee and the Assembly Committee on Public Safety. Some of those members, I'm sure, will be along as we go through the morning.

Let me introduce first the Vice Chairman of the Joint Legislative Committee to my left, Assemblyman Larry Stirling from San Diego, who is also Chairman of the criminal Committee on Public Safety.

I understand in the audience also there are some representatives of some of the members of these committees who couldn't be here, either Judiciary or Public Safety, and Mr. Ted Blanchard is somewhere representing Senator Doolittle, right there; Ms. Felice Tennenbaum, representing Senator Petris; and Jeannette Burton, representing Senator Watson, somewhere.

The purpose of this hearing is to delve into the problem of prison violence that we're having. As you know, we did have a correctional officer killed in San Quentin a couple of weeks ago. We've had fatalities here at Folsom, plus we've had a number of other stabbings that have not resulted in deaths. So it is a serious problem. We want to talk to a number of people today, including representatives of the Director and others from the Department of Corrections, to try to find out if anybody--I guess you'd call it a desperate search--if anybody that has any ideas that we may be able to apply to result in a reduction, hopefully, of this violent level that we have here in stabbings and other assaults.

There are a number of reasons for it, I guess. We all know that we have many, many more violent offenders these days coming into the prison system, and in spite of everything they still come in faster than they're going out. So the numbers continue to increase throughout the system. We presently have something like 46,000 inmates and a capacity for something like 28,000, so that in itself creates a tremendous problem.

So, we're here, as I say, to listen to a number of witnesses on ideas, suggestions, recommendations, all in a very constructive way, to assist the Department of Corrections anyway we can to find some possible solutions.

The first witnesses that we have are three inmates and we felt that it would be a good idea to let them say what they have to say. They're in there. They probably know firsthand, better than any of us, because I don't know at that level. Maybe they can tell us something that nobody else can since they're there and are part of the system. I think they're handy if somebody wants to have them come in. In the meantime--Mr. Stirling, do you have anything you'd like to say? Okay. I understand they're outside and will be in a couple of minutes. In the meantime, as we do proceed during the morning I'd like this hearing to be informal insofar as possible so that we can get a discussion situation going in as many instances as possible, because we've found that at other hearings to be one of the better ways to elicit information and ideas, and that, frankly, is what we're searching for.

We also have in the audience representatives of the Senate Office of Research and the

Assembly Office of Research. The idea for that is that once this hearing is concluded, and it's being recorded so that the information will all be available, we want them to extract all of the ideas and recommendations and give it to us as quickly as possible so, insofar as possible, they will be implemented quickly.

Is there one more coming in? All right, gentlemen. Thank you very much for joining us. Which one is Mr. Dacy? Okay. The other one must be Mr. Redd, is that right? Okay, we're pleased to have you spend some time to come over with us, to be with us this morning. What we're trying to find out is if there is anyway you can help you, if you can give us any ideas as to how we can reduce the level of violence within the Folsom Prison system, or anywhere else within the system, but particularly here because we're here today. So, let's start with you, Mr. Dacy. Can you--first of all, tell me a little bit about yourself. How long have you been in? Maybe you've got to pull the microphones up closer to you. You can't do that. We'll have to have someone else do it for you. They're taped down.

MR. ROBERT DACY: I've been in Folsom Prison since April of 1969.

CHAIRMAN PRESLEY: Just a minute. Can anybody hear back there?

MR. DACY: I was admitted to Folsom Prison in April of 1969. I have been here, between here and San Quentin, since that time with a brief stop at Tracy. But most of the time was spent here.

CHAIRMAN PRESLEY: Most of the time since 1969 has been right here at Folsom?

MR. DACY: Between here and San Quentin.

CHAIRMAN PRESLEY: Okay. And you're serving a prison term for what offense?

MR. DACY: Kidnap for ransom.

CHAIRMAN PRESLEY: Kidnap for ransom.

MR. DACY: Yes, life without possibility.

CHAIRMAN PRESLEY: And I suppose--had you had some criminal convictions prior to that?

MR. DACY: Oh, yes, yes. I am not by any means a square john.

CHAIRMAN PRESLEY: You're not a Sunday school teacher, huh?

MR. DACY: No.

CHAIRMAN PRESLEY: All right. Tell us then if you--have you had a chance to think about any ideas as to what you might do to...

MR. DACY: Yes, I've thought about it considerably. I've talked to the people here who've seen me every day and naturally you think about it. You sit back and reflect upon what's going on here. The past 3 years has been insanity here, quite frankly.

CHAIRMAN PRESLEY: The last 3 years have been the worst?

MR. DACY: Yes, since summer of 1982 when what you'd call this "war" began. It began in Folsom. And I've observed it firsthand and I've suffered the consequences of it, the continual lockdown, the treatment we're given because of the violence. And so, of course, you wonder as to why, for example, what's being done about, what could be done about it, and I've reached certain conclusions that I think would work.

First of all, do you understand what has actually happened at Folsom? You speak of violence and I've listened to TV programs, I've read articles. In my understanding the news media attributes

the violence to racial violence. Well, this is untrue. The violence that has been going on at Folsom has been predominantly between two gangs; the Mexican Mafia and the Black Guerilla Family, or the CRIPS.

CHAIRMAN PRESLEY: Let's go over those three again.

MR. DACY: The Black Guerilla Family, a Los Angeles-based gang called the CRIPS, and the Mexican Mafia.

CHAIRMAN PRESLEY: Okay.

MR. DACY: Those three gangs have been predominantly involved in playing with violence as a code here.

CHAIRMAN PRESLEY: So you're saying it isn't racial, it's gang related?

MR. DACY: It's not racial at all.

CHAIRMAN PRESLEY: It's gang related. All right.

MR. DACY: Definitely gang related. There has been a few incidents which occurred that has been normal prison violence, over drugs or whatever. These happen, you know, throughout history. You're going to have violence. You're going to have a certain amount of stabbing and you can take that into consideration.

CHAIRMAN PRESLEY: So you're saying some of it is outside of...

MR. DACY: A handful--well, for example, the 130-some stabbings, or whatever it is, this year. Probably maybe five, six of those stabbings has not been gang related.

CHAIRMAN PRESLEY: Because of drugs and that sort of thing?

MR. DACY: Yes, because of other things.

CHAIRMAN PRESLEY: Okay.

MR. DACY: Since 1982 when they first started these lockdowns, there has been, they have not discriminated between the convicts, between--let's call it general population. When you lockdown, you lockdown everybody, you know. They don't just lockdown the gang members, they lock down everybody. And this has been going on and on and on. And I know many of the people, the senior officials in command here, I know they're not unintelligent people. I know that they are aware of the cause of the violence and I've wondered myself. I can't understand why they haven't segregated the gangs. And for whatever reasons, this violence could be stopped, could have been stopped, much sooner than it has.

CHAIRMAN PRESLEY: Okay. So you're saying that one of the major things that ought to be done is the gangs should be segregated?

MR. DACY: Yes. Are you aware of the physical--the way this prison is laid out, the number of buildings they have?

CHAIRMAN PRESLEY: Generally.

MR. DACY: Well, right now they have three buildings as general population. They have a five building, three building and two building. The other buildings are now lockups. You can segregate easy the general population. When I say segregate, I'm not referring to isolation units or a segregation for punitive reasons. I'm speaking of segregation by buildings in general population. This

could easily be done. You could put the gang members of one race in one building, the gang members of another race in another building. The rest of the population would be integrated. There would be no segregation by race, which I'm certain most people would object. But by gang. If the gang members happen to be of a certain race, we segregate those people. They don't--if they're in two buildings, they go to the yard at different times, they eat at different times. There is no chance to stab one another if they're in these buildings. That's the only logical, rational way to go about it, to end violence. It's so plainly apparent I don't understand why it has not been done.

But then one has to go much deeper than that? Why is the violence occurring in the first place? They--this--take for example, back in 1982 when there really were a large amount of stabbings which created the situation, began the situation, they started what is called a "SHU II" unit. Prior to this time, Folsom only had one lockdown unit.

CHAIRMAN PRESLEY: Back up just a second. What kind of a unit did you call it?

MR. DACY: "SHU II."

CHAIRMAN PRESLEY: What's that?

MR. DACY: That's a security housing unit. They have a security housing unit one, and a security housing unit two. Prior to 1982 they only had one lockdown unit in Folsom and that was, I'm going to call it "4A," or an "adjustment center." That's one building that's a maximum security unit. It's built where you could handle people. That's the only one that was needed here. And then in the summer of 1982 there was a riot, and so they decided to make one section of one building into the "SHU II" unit and it was about this time of the year, June or July, and they scooped up convicts from all over the yard, people they thought might be gang members and associates, and they slammed into this building, which is one bunk per cell, and sometimes they were putting as high as three men in these cells. No showers, no exercise, nothing. And this was the beginning of the insanity here. Sooner or later, they did get down to double cells. They put in two bunks. There was very little exercise. The feeding was atrocious and until the lawsuit came about, and then the Federal Court mandated that the decent, minimum treatment they could give these people, which they are now giving, two hot meals a day and three times they go into the yard, with showers at least twice a week, and this and that. Just minimal standards of treatment to human beings.

I'm about all finished, but I would like to add one thing. Those minimum standards of treatment imposed by a Federal judge that must be given these men in a segregation unit, which is punitive, are far better than have been given to the general population here. It's probably the only prison in the world whose general population is treated much worse than those in punitive units.

CHAIRMAN PRESLEY: Let's clarify that. You're saying that the people who are under, what do you call it, lockdown or segregation...?

MR. DACY: Lockdown situations.

CHAIRMAN PRESLEY: ...are treated better than the others...

MR. DACY: Oh, far better.

CHAIRMAN PRESLEY: ...because of the court decision? The court order?

MR. DACY: Yes. Because of the court order, the Judge Weigal case, they must give this

minimum treatment. Now, he calls it the minimum treatment that you can give to people.

CHAIRMAN PRESLEY: Why is it with better treatment, as you say, the number of stabbings seem to be rising?

MR. DACY: Because of the treatment by the administration. I attribute a lot of violence that's stewing today directly to the prison administration itself. The treatment, the type of treatment they are giving. To explain this it will require an understanding of exactly what has been going on here for these years to understand what can happen inside before they would make attacks on other men, weapon attacks. But with no provocation, why would they do that? I mean, what's the underlying reason? And it's the kind of treatment, the kind that you get day in and day out, and week in and month out of being locked in a cell with another man, a cell that's really not big enough for one man, and you have two in there. You're not getting out. You can get out for a meal right now, two, three times a week. That's the schedule, if you make it. Monday, Wednesday and Friday you eat one meal. The rest of the time you get a sack lunch, and believe me, it's not a sack lunch. You wouldn't want to take it home to eat it yourself. It's damn near inedible.

You don't get a change of clothes. There's so many things--it's just--you give a person just because he is a human being. And it creates hatred, it creates tension, it makes you paranoid, more paranoid. And the cycle or hatred, my feeling is they begin to hate the system so much and the guards so much, just anybody, they cycle this hatred off onto other inmates. This is what I feel has happened. And when you say--take for example, on a shakedown, the guards learned a lot down at the theaters, because if you suddenly fell and these guard will come by and they'll shake you down. They'll search you for weapons with these guards all around, men on the gun rails with mini-16 Carbines. You're under constant coverage by one of these rifles. When a man will take out a knife, the thin kind, and hide it in his shoe or something, and stab another inmate when you know that you're going to be arrested. Why? I mean, this is insanity. And when people act this way there has to be a reason. And the reason is the treatment. You can't get away from that. The treatment itself.

CHAIRMAN PRESLEY: Do you feel frustration?

MR. DACY: Frustration, hatred, yes. It's just too much time in one cell with another person with cruel treatment, and it's cruel treatment. Senator Presley, I'm admittedly not an upstanding citizen. I'm a convicted felon, but I would not, and I repeat, I would not inflict the kind of cruelty on other human beings that have been inflicted on the men here in Folsom by this administration. I am not that cold.

CHAIRMAN PRESLEY: Can you give us specifics? Just use specifics and concrete examples.

MR. DACY: The specifics is, I'd rather leave it up--to give you--may I use an analogy? Let's say in Sacramento we have a stray dog and he bites somebody. So we have this dog picked up and put into the pound and we're going to have to teach this dog he must not bite someone again. So we put him in a small cage and we feed him very ill. He never hears any kind words, nothing gentle. He's treated with violence and no respect. Everything here is harsh. People might poke him with sticks. Now when we open that gate to turn that dog loose on the streets, is he going to bite someone else? Well, certainly he is. He's been worsened. It enhances whatever sort of behavior that has put a man

into prison. This enhances it. It can't possibly do anything to make an honest person out of you, a more hardened criminal, more violent. Most people in here are violent in the first place. It's going to make him more violent. He can't appreciate human life in here even if he wants to. No appreciation of human life. If you can't value your own life, how can you value someone else's life? So each of them, killing means nothing to you if you have no personal value on human life.

And this is what you're doing. You're robbing me of all human dignity. They've robbed me of everything, of whatever a person needs to live as human being he ought to have.

CHAIRMAN PRESLEY: Have you ever made any effort to communicate this to the administrator within the Folsom system?

MR. DACY: Quite frankly, no. I think it would be a waste of time. I'm sure Mr. Campoy would think that any opinion I would have would be worthless. I'm a convict. I'm an inmate. It's like I might have a disease. He can't like me. He can't respect me. He must feel that I'm less, you know, that my intelligence isn't adequate enough to understand what's going on. This is the unfortunate thing that happens when you're a guard and a convict here. You can't look on me as a sensitive human being. If you do that, you're lock the key on, turn the key on and I'd go home. Everyday it's lock them up. So I don't think they'd pay much attention...

CHAIRMAN PRESLEY: Okay, it sounds like you're suggesting two things. One is the segregation of the gangs, and the other is some better, more humane treatment?

MR. DACY: That would be the first thing. The second thing would be the gangs in different buildings. Please bear in mind that I'm not advocating racial segregation. I'm advocating segregation by gang who happens to be of one race.

CHAIRMAN PRESLEY: All right. We have those two suggestions. Anything else?

MR. DACY: Yes. I would suggest that they end this double celling as soon as possible. I realize they don't have the space, but barring that, as long as they have double celling get these people out of their cells as often as they can. Give them jobs. Here's something that we haven't touched on at all is their jobs. Very few of us work. The majority of men do not work. We can't work. I haven't had a job since 1972.

CHAIRMAN PRESLEY: You say you do or you do not?

MR. DACY: I do not. I have not had a job since 1972. I'm not allowed work.

CHAIRMAN PRESLEY: Before I go any further, Assemblyman Dick Floyd, a member of the committee has arrived to my right. Mr. Stirling has a question.

ASSEMBLYMAN LARRY STIRLING: Thank you, Senator. Mr. Dacy, have you been on a waiting list for a job while you've been here?

MR. DACY: Yes.

ASSEMBLYMAN STIRLING: To your knowledge, is the correctional system replacing prison jobs with civil service positions?

MR. DACY: A few. In fact, I could think of a number of instances where convicts have been replaced by civil service.

ASSEMBLYMAN STIRLING: Do you have an example?

MR. DACY: Yes, I have a very good example. I know of a man named Jay Johnson who worked in the Custody Office as a clerk. I think it took three clerks to replace him. He was making \$30-some a month. It took around \$60,000 a year to replace that man. They don't use convicts here in any kind of responsible position or for anything that is meaningful. It's only the tier tenders and stuff like that.

ASSEMBLYMAN STIRLING: In your judgment a Level 4 convict could be trusted for some more responsible...

MR. DACY: Well, certainly. There are many of us qualified to do this work. I'm qualified to do any type of a job they have here insofar as a clerk's position is concerned.

ASSEMBLYMAN STIRLING: How often do you get a hot meal?

MR. DACY: Well, since last October I've probably averaged about two hot meals a week.

ASSEMBLYMAN STIRLING: Why is that?

MR. DACY: Because they--lockdowns, stabbings. They don't want people--people who stamp they lock down again, they keep us in our cells, and they...

ASSEMBLYMAN STIRLING: They lockdown the entire facility for stabbing in one block?

MR. DACY: Not always. There's times there's been stabbings and everything continues as normal as ever. Usually it's one of the gang stabbings they have a lockdown for a few days, maybe a week, like this latest rash of stabbings and we've been lock downed for an institutional shakedown. And only very few people work here, probably maybe 100, 200 working at the present. The rest of them are locked down.

ASSEMBLYMAN STIRLING: When you recommend racial segregation, are the cell blocks presently integrated?

MR. DACY: Yes. May I make a point. I did not recommend racial segregation. I recommended segregation by gang.

ASSEMBLYMAN STIRLING: Gang segregation. I'm sorry.

MR. DACY: I distinctly...

ASSEMBLYMAN STIRLING: There is a distinction. One I don't see quite yet, but I'm sure I'll figure it out as long as I listen. But do you recommend segregation by gang?

MR. DACY: Yes.

ASSEMBLYMAN STIRLING: Are they presently integrated by gang? I mean, are various gangs all put together in the same cell blocks?

MR. DACY: Oh, yes. You not only have them in the same cell block, same tier...

ASSEMBLYMAN STIRLING: Same tier?

MR. DACY: Same tier, different gangs.

ASSEMBLYMAN STIRLING: So that means they have to go to exercise together, if they go...

MR. DACY: Exercise together, shower together, you eat together, there's always the potential for violence whenever the cells are open.

ASSEMBLYMAN STIRLING: Are the cell blocks ventilated in any way?

MR. DACY: There is a very small amount of ventilation that comes out the wall vent, like, so

you can survive that obviously. It's uncomfortable, but you can survive it.

ASSEMBLYMAN STIRLING: When's the last time the warden came into your unit?

MR. DACY: When was the last time we did what?

ASSEMBLYMAN STIRLING: The warden came to your cell block, your unit?

MR. DACY: I haven't seen Joe Campoy for years. I seen him on TV here.

ASSEMBLYMAN STIRLING: How about captain?

MR. DACY: No.

ASSEMBLYMAN STIRLING: Lieutenant?

MR. DACY: Oh, I see different lieutenants down there. Oh, say, the associate warden, he's on the yard quite often. I see him quite often around.

ASSEMBLYMAN STIRLING: You testified in the Toussaint case against Folsom administration?

MR. DACY: Yes, I did.

ASSEMBLYMAN STIRLING: Was there any retaliation against you for that testimony?

MR. DACY: Not perceivably, no. Not perceptible to me.

ASSEMBLYMAN STIRLING: I understand you're also a would-be writer like most of the people in the room?

MR. DACY: Oh, yes. I am a writer, not would-be.

ASSEMBLYMAN STIRLING: How do you get typing paper?

MR. DACY: I buy it from convicts. I can't buy it from the canteen. They don't sell it.

ASSEMBLYMAN STIRLING: Do you think there are prisoners in Folsom that could be put in other institutions? Lower classifications?

MR. DACY: Yes. There's a number of them. I can use as an example the man who is in my cell block right now. He's a 45-year old first-terminer who killed a woman, probably more by accident than by design, during the heat of passion. He's not a criminal. He's the farthest thing from a criminal. He represents no threat to security, to staff, to anyone. He could be put in any institution.

ASSEMBLYMAN STIRLING: Do you think there's some advantage to having moderating influences of some prisoners in a Level 4 facility?

MR. DACY: No, no. None, whatsoever.

ASSEMBLYMAN STIRLING: So you think you could leave all the tough cases there and move all the moderate cases out and still have a stable prison population?

MR. DACY: Yes, exactly. You don't have a stable prison population as it is. I was there when Folsom was--Folsom used to be the place for "end of the line," where incorrigibles were sent, the people with three or four times prior convictions. They fed three meals a day, yard everyday, showers everyday, everybody worked, not everybody, but if you wanted a job, you could probably find one. It is my understanding violence was minimal in comparison to now. There was usually a reason behind it. You had to do something to have violence committed.

ASSEMBLYMAN STIRLING: Mr. Dacy, are you a member of a gang or protected by a gang?

MR. DACY: No. No.

ASSEMBLYMAN STIRLING: From your knowledge and from your information, do members of

gangs remain members of gangs after they leave the correctional system?

MR. DACY: It depends on which gang.

ASSEMBLYMAN STIRLING: Is there a distinction?

MR. DACY: Yes.

ASSEMBLYMAN STIRLING: Which gangs would they remain members of after they left?

MR. DACY: I'd rather not say.

ASSEMBLYMAN STIRLING: Okay. Thank you, Mr. Chairman.

SENATOR PRESLEY: Okay, Mr. Dacy, you've recommended three or four things--segregation of gangs, better treatment, the end of double-celling and more work. Is there anything else you can think of that might be helpful?

MR. DACY: Well, that would be to me the crucial things. There are so many other things that would be redundant. To end the violence, that would be it, then they could go from there.

SENATOR PRESLEY: Mr. Floyd has a question for you.

ASSEMBLYMAN DICK FLOYD: Mr. Dacy, what about the weapons search situation in this institution? Is there any confidence that you have that there is some regular--I understand that in the last week or so it's been, where we walk in, pretty heavy duty shakedown. But what about normally?

MR. DACY: Normally, if you, let's say if I have an enemy and I want to kill him or stab him or something, beyond the very ordinary that I'm going to be able to, at some point or other, when it comes to a weapon, man is ingenious. It's historical. You can make a weapon out of almost anything. We have broomsticks. They make excellent weapons if you wanted it. Jars, glass, everything. Weapons are easily available if you have anything with which to make them. You have probably right today, probably I would say offhand, three times the amount of correctional staff working here than you did in the 60's and 70's, or prior up until that time. You have more weapons and more stabbings even with increased staff. So that doesn't stop stabbings. If someone wants to stab someone, you're going to do it. They may lock you down for a week, two weeks, a month, but when the opportunity comes, you're going to do it. Weapons--to keep weapons away from a man you almost have to--like metal detectors, you can't have anything of metal, made of metal, any metal beyond two inches long. There is nothing there to make a weapon out of. And that's the only way you can really prevent stabbings by taking away the weapons. And my theory is prevent stabbings might be some treatment. And by segregation...

ASSEMBLYMAN FLOYD: And the lockdown is not the answer, the constant lockdown?

MR. DACY: The lockdown--good Lord, Senator Floyd, after three years time, one continuous lockdown after another and each time they unlock there's stabbings. Even the most dense person would sooner or later say, hey, this isn't working. And it doesn't work. It just makes it worse. It enhances it.

ASSEMBLYMAN FLOYD: It's sort of like keeping your hands cuffed now? I mean you're really a threat to all of us if you're not all chained up there now?

MR. DACY: Oh, yes, oh, yes.

ASSEMBLYMAN FLOYD: I think this is outrageous, your sitting here in this committee with the people here and God knows how many correctional officers...

MR. DACY: And you're not talking about all the shakedown...

ASSEMBLYMAN FLOYD: I'm sorry about that. If I had anything to say about it, it wouldn't be that way.

MR. DACY: ...you're not aware of all the strip searches. I think I've been searched twice this morning. Been through machines, and a lot of officers here.

ASSEMBLYMAN FLOYD: Should I really worry if you had your hands free?

MR. DACY: No. No. I've had one incident of violence in my life, Senator Floyd, and it was more by accident than by design. I've got a very good track record.

ASSEMBLYMAN FLOYD: Well, I apologize for my behalf for your sitting there in that condition. It sucks. Okay. Thank you.

CHAIRMAN PRESLEY: Thank you, Mr. Dacy, very much. Mr. Redd?

MR. PAUL REDD: First, I would like to say in front of everybody here, like, I have been labeled as being a member of the Black Guerilla Family, as well as being a leader in the Black Guerilla Family. I'm not a member of the Black Guerilla Family, nor am I an associate of the Black Guerilla Family.

I have some thoughts to alleviate a lot of these problems around here. First of all, I'd like to talk about this Work Incentive Program that was passed and implemented within this prison, for all the prisoners fear. This Work Incentive Program has been excluded from life-termers, I'm serving seven to life, with possibility of parole. This is my first offense. When this program was brought into effect it excluded us lifer's without a parole date. We do not fit into the Work Incentive Program, but however, we have been restricted by the program that it does provide for the people with parole dates. Okay, what this has done, this has caused a point system that they use to classify people. In other words, if I have a murder, I've an automatic 96 points, which makes me a Level 4 for an institution, which is only San Quentin and Folsom.

CHAIRMAN PRESLEY: Is that what you're serving time for?

MR. REDD: Right.

CHAIRMAN PRESLEY: So you have 96 points going in?

MR. REDD: Yes, that's off the top just for the beef that I came to prison on. Okay, when this point system came into effect, I believe it was somewhere around '80, '81--I've been in prison since '76--so, what I'm saying is this. This point system automatically gives you 96 points and would make you a Level 4, San Quentin or Folsom prisoner. What this has done is calls them to everybody who came to prison, mostly now, are coming in with heavy type of crime, which automatically gives them the high point. They're putting them all in one prison. They start sub-rating people by points. If you got 10 points, 20 points, we'll send you to Soledad, we'll send you to Tracy. If you got over 96 points, you're going to San Quentin and Folsom. So, right there causes a lot of this overcrowding because you start dividing people by a point system.

Also what is happening when this Work Incentive Program came into effect, that the prison

itself doesn't even have enough jobs to provide everyone in the prison. If everyone in prison wants to sign up and try to get just one for one, you couldn't even give everybody a job. You couldn't even give a fourth of the people a job because you don't have enough jobs within the prison to provide for them. So what you're doing is you're making people wait on lists. They don't have the jobs and they've got to sit around month after month doing nothing. Can't get the privileges that other people got because there's only select jobs that are available and they've been filled. So people waiting one and two years on a waiting list just to have a job.

You know, and at the same time that this is happening, the educational program is being eliminated. I was going to college. I got a GED and a high school diploma and I was going to college when I got here, but when this Work Incentive went into effect, they took the college programs out. So now I have to sit up in the cell day after day and not do nothing. Not even have--I can't even get school books or anything just to pass the time because they don't have programs no more. So you sit around and people get frustrated. They don't have no jobs, they don't have no educational programs available no more because the Work Incentive Program have eradicated all this.

CHAIRMAN PRESLEY: You don't have access to any kind of books to pass the time, is that what you're saying?

MR. REDD: Well, the only way I can really get books is if I send out to the streets and order them myself, and I had a bookstore send them to me. But if I want to some, say, math or English, anything of that nature, they do not have that because the school program had been closed, especially in the hole, and I've been in the hole here since '82, since March of '82. I came from Tracy. When I came here I was told I'd be put in the general population. I kept getting the runaround. They wanted to check with GBI to see if they can't put me on the general population. They check with GBI and GBI told them, yeah, you can put this guy in the general population.

Okay, this incident, this racial incident occurred back in '82 and right then I was told I wasn't going to be put into the general population. It was something else the gentlemen here said in regard to, I understand there's only been four, a few, that haven't been gang related. First of all, the stabbings in regards to the Blacks have not been BGF stabbings. They have not been.

CHAIRMAN PRESLEY: What's BGF?

MR. REDD: Well, that's Black Guerilla Family.

CHAIRMAN PRESLEY: All right.

MR. REDD: What has happened is the administrator here has took it upon himself to feed this to the news media, that this is a BGF war, and this is a race war, and right there you see all this in newspapers, "The BGF's at War," "BGF Got Stabbed." For a number of months on board, the number of Blacks that have been victims of stabbings, not just at random, but is constantly going on. And it's been printed in the paper that these have been members of the BGF that have been stabbed, and this is not true. Now, what has happened is so many Blacks have been stabbed now Blacks have took it upon themselves to defend themselves now because what has happened is so much tension has been created within the walls to where Blacks have, Blacks have always known that it's not a BGF War, as has been labeled. They have always known that Blacks have been stabbed, you know, just anybody.

So what has happened, people have become real paranoid to where if you got everybody all tensed up and you got people running around dropping little ennuendo remarks that "watch your back," hear rumor another race is going to attack you, and then they go to another race, "watch your back." It's going to build up a lot of tension where everybody is going to walk around watching everybody. And if you drop the silverware, that's going to start something because people are going to think somebody's attacking you if you just hear a big thump on the floor. You understand, like I'm not in agreement that you talk about separating people by gangs, or whatever.

Like over then in 4-A where I'm at, we have a yard. It's the Black yard. It always has been a Black yard to us. We have never labeled it as BGF yard, a CRIP yard or nothing like that. It's always been a Black yard. We don't ask people what's their association, what's their labels. You know, people just get along in the yard in general. Okay, what has happened is that the administrator has turned around and said, okay, we have labeled this as a BGF yard. Now, we have another yard called an open yard, which if you're not affiliated with any other group, you can go to this yard. Us who are on this yard have never been approached to say, well, we're opening another yard for non-affiliated. If any of you all wish to go to another yard. We have just been on this yard and all of a sudden the yard name has been changed and put a label, whereas when Blacks come over to the hole, the first thing they're being approached, well, if you go to this yard, that's the BGF yard, something might happen to you if you go to this yard.

I imagine you have a lot of youngsters coming to these institutions now. A lot of them are inexperienced with dealing with these correctional officers, dealing with the type of trickery that's been used to try to manipulate, to scare them, to cause them to isolate, to cause them not to associate their self with those in a particular yard.

So, my point is this. You have to eliminate labeling people. People have been labeled just because of their association. In other words, to give you a perfect example. If an individual comes to this institution and somewhere in the past he has snitched on somebody on the street or he done rape somebody, mutilated somebody's mother, daughter, or whatever it is, he come to this prison and for some sane reason he may feel that somebody is aware of something he had done in the past and is aware of it in prison. He would merely go to the administrator and say I wanna lock up. Instead of just locking up he has to provide a name in order to get into protective custody. So what he's done, he hear the most popular name within the institution, and give him that name, they write a chrono and the next thing you know you've got a spot on your jacket saying that you've been locked up because you are a danger to others. The general population hears rumors that you're going to cause some danger to someone. All these years you never know, you don't even know this individual. You ever went to the administrator to lock up. You don't know nothing about him, but you get a thing on your jacket. It's marked "confidential." You never have no way of confronting what has been said because they automatic go by if a person turns informer or snitch, or whatever it is, his word outweigh any word that you say if you had 500 prisoners that give you a declaration to discredit what has been said, that one informer's word will weigh more than 500 other people's word to what has been said.

And if you're locked up, they can tell you well, we're going to lock you up, we're going to observe you for 90 days. So, we're going to leave you in this lockup and going to observe you for 90 days. So they put me in a yard that is labeled as a BGF yard. How you going to observe me on a yard that you labeled as a BGF yard for 90 days? And then when I come back before your 90 days you tell me, well, we believe the information about you now. If you put me on a yard with all Blacks, it's my duty to speak and not isolate myself from those on that yard. I'm not going to come out on that yard where there's a bunch of Blacks and go to a corner and sit by myself and say, you all don't talk to me, don't come near me because I'm being observed for 90 days. That's real stupid. Stuff like that. And that's how this has been done because they just put you in this one particular yard.

And they don't ask you a choice, you know. Say, if you have people that have come forward and informed us, no, I'm not a member of the Black Guerilla Family, let me sign the papers saying I'm not a member of the Black Guerilla Family, I'm not a Christian, I'm not a--see what I'm saying? I'm trying to show you points where people have come forward to deny what's been said. There's nothing to substantiate what has been said except they say they have confidential information to inform them. How do I know there is an informer that has provided this information? I have no right to see what is confidential. So I spend my time locked up on confidential information. There may not even exist a confidential form of information against me, but I have no way to prove it. I can file a "602." "602's" get shuffled around.

There has been a time when I was in Tracy, they found a "602" appeal procedure. If someone didn't come see you from, let's say, the first level, it was mandatory that someone come see you from the second level. If someone didn't come to see you from the second level, it was always a policy once it got to Sacramento they always sent an investigator out to see you, to talk to you because a lot of people not good at writing. So, therefore, they sent people out to talk to you, an investigator to actually get a clear understanding what your grievance is so they can investigate and from that point determine if you should be released or whether you got any basis to appeal. But here in Folsom, all the "602's" I've ever filed have never seen no one come from Sacramento to interview me. And very few "602's" I have filed have seen anyone from the first or second level interview me. You see, it makes it seem that it's a off-policy to touch at Folsom. It seem like people in Sacramento do not want to come up against Folsom. Folsom's got its own powers, its own system and they just, you know, run it the way they run it because there isn't nobody on the outside want to come touch it. There's nobody that want to, you know, just come in and inquire, to investigate, to look over and determine what type of programs should be implemented, what type of policies they have should be modified, and bring some changes. But it's going always, going to always have a lot of animosity exist in a system where you have many corrections officers, not all corrections officers, because you have many corrections officers that haven't passed some type of program designed to deal with people as human. Many employees, they have many that's going to work you, to not have the type of psychology or any type of background courses that deal with people man to man basis, or a woman to man basis, however, to deal with a person, to know a person and find out.

Since I've been in this institution I have, to my knowledge, have never seen Mr. Campoy. I've

never seen him. I've been here since '82 and have never seen him. So I believe in the news or in the newspaper article. The institution I was in before we always had it where the warden would always sit on the main committee, it was like--they have different type of committees. They have a classification review, which is just a review of you, you know, being present, and have like an ICC. The institution I was in before the warden have always sit on the ICC to know the person that is before him, or the warden have always made himself available to walk into the unit, to walk down into to talk the prisoners and tell them, do you have any problem, have any grievances, anything, any suggestions? And they would walk down to you and take notations from what people have said. I have never seen that exist and that's a problem. Because there's people--a lot of things wouldn't be going on right now if Campoy took the time to come and talk to people. Come to find out what prisoners have to say. Not just what a report has been sent on a document or what a "602" has said, and, you know, I got this from one of my captains, my lieutenants, right here. You know, but take the time to come and see the prisoners himself and ask them what is the problem going on? Do they have any problems. Understand? Work with prisoners instead of working against them. Make prisoners feel that even though I am in prison there are certain rights and I still have here certain rights. That administrator is going to apply and see that is done to all people, not just a particular group or a particular race, but to all prisoners alike.

I wrote a number of things I wanted to discuss but I wasn't permitted to bring any documents over here. I'm trying to recall everything.

CHAIRMAN PRESLEY: So far, you've indicated lack of jobs and doing away with the educational policy, and you think there ought to be better communications between prisoners and the administrative people. You've indicated those three things.

MR. REDD: Right.

CHAIRMAN PRESLEY: And if you can think of anything--while you're thinking for a minute, let me introduce another member of the Committee who has just arrived, Senator Ed Davis, from Los Angeles, to my left. Mr. Stirling has a question.

ASSEMBLYMAN STIRLING: Mr. Redd, is it possible to control the flow of weapons inside the prison?

MR. REDD: Is it possible to control...

ASSEMBLYMAN STIRLING: Is it possible to control the flow of weapons in?

MR. REDD: Yeah, it is.

ASSEMBLYMAN STIRLING: How would you do that?

MR. REDD: First of all, I have nothing to really substantiate this, but first of all, a lot of the flow of weapons in here is impossible to even get past a lot of the machines that a prisoner must walk through.

ASSEMBLYMAN STIRLING: Impossible or possible?

MR. REDD: Impossible. We're talking about metal, you know, which the detectors will pick up.

ASSEMBLYMAN STIRLING: But it's possible to get a nonferrous weapon past the machine? A plastic weapon, perhaps?

MR. REDD: Yeah, that's possible.

ASSEMBLYMAN STIRLING: Is there a way to stop the flow of plastic knives and other weapons?

MR. REDD: The only way you can stop the flow of anything, violence or anything, is to start dealing with people for a more realistic approach. If you start dealing people from a human position, you start eliminating frustration. Because if you start providing people with things to do, you start occupying people's time where people don't have to sit up in a cell and focus their attention on a-- building up their anger. You know, they may get a letter from someone on the streets, someone might cause them to make them mad. But if you don't have no program within the institution, that's going to add to his anger, the letter he received or the bad news he received from the streets. But if you provide him with something positive and constructive, that's going to eliminate any negative feelings he had. He may have them feelings for one or two minutes. He may conceive a thought about doing something, but at that point, he may think about it more because he has something else to look forward to that will cause him to eliminate thinking negative.

ASSEMBLYMAN STIRLING: Were you a witness in the Toussaint case?

MR. REDD: Yes, I was.

ASSEMBLYMAN STIRLING: Was there any retaliation against you for witnessing?

MR. REDD: When I first come back there was like a lot of ennuendo, a lot of remarks made, various treatments. When I came back there wasn't an ugly lockdown. You know, get back. Like one day there was one particular person came by and wouldn't give me my bag lunch, you know, and put through channels that if I want my lunch, cut in my line and wanted to stand up in my boys if he wanted to give me my lunch and all that, you know. And I wasn't going to do it, so, you know, you can have the lunch because I'm not going to cut your light off. Doing this when I haven't never been doing it, you know.

ASSEMBLYMAN STIRLING: What percentage, in your judgment, what percentage of the fellows in Folsom are members of an organized gang? Half? Seventy-five percent?

MR. REDD: It's less than that.

ASSEMBLYMAN STIRLING: Less than that?

MR. REDD: It's less than that. Like I say, how do you determine who is a member of a gang? What is being done is because you may come in my cell, you may find some Black literature, some culture material in my cell, or you may find some books which say Fidel Castro to have urban guerilla in there. Just because you see this, it doesn't make me a member of the Black Guerilla Family. That don't make me a member of a revolutionary group, because you see, I have books of Koran, I have Islamic material--that doesn't make me a Muslim. It's the ones who are seeking to learn stuff when you don't have a program where one can go to an educational program to learn other things, so you must get books that you can get or share books with one another and read. If you come in my cell and find this book, don't be quick and classify me as being a communist, or whatever it is, because I have this particular material in my cell.

ASSEMBLYMAN STIRLING: Do people retain gang membership after they leave prison?

MR. REDD: I'm not a member of a gang and...

ASSEMBLYMAN STIRLING: Just based on hearsay.

MR. REDD: No, I can't even, you know, comment on hearsay because if I did I wouldn't be able to say a whole lot of hearsay, which could be substantiated.

ASSEMBLYMAN STIRLING: Is there a limitation on when and where you can buy radios or televisions inside Folsom? If so, what is it?

MR. REDD: That's on a "602", I believe, about a month ago, two months ago, okay? The reason I filed a "602" is because I have noticed like how there is one particular vendor that you must order from within this institution.

ASSEMBLYMAN STIRLING: One particular what?

MR. REDD: A vendor where you can order your radios is only one particular place you can order a radio and TV from in this institution. I noticed that the prices of them was sky high. Whereas, when I looked in the newspapers and classified sections I noticed the same color TV will be \$100 less than this here, or the same radio.

ASSEMBLYMAN STIRLING: Who is the vendor?

MR. REDD: From my understanding, I recently found out, from my understanding I had always assumed that it was some relative or relation or friendship to Campoy and I was finally inquiring into more about that and I found out that I was true in my assumption about this. When I filed my "602," "602" with a grievance, whereas, every other prison I had been in, I'd been in San Quentin for a month and I was down in Tracy for almost seven years, whereas we had always been permitted to order from catalogues. We could send to Montgomery Ward or any other major store and have them send us a catalogue. We'd take this catalogue and order a radio, a TV from this place and the money goes to the canteen, and it goes out to the company and the company ships it in. It's not like you send it to your family and your family sends it in. Also, (inaudible) had a bank book on my property. I've had this bank book for several years. About two months ago it was brought to me and told me I had to send my bank account book to the house. When I asked why must I send it to the house, they said you're not allowed to have this. I said if I'm not allowed to have this why don't you just put it in my unissued other property that I'm not allowed to have while I'm in hole, why don't you just sit it in there. Well, the institution, they don't want you to have it so you'll just have to send it all the way home.

ASSEMBLYMAN STIRLING: Why do you think there's not more jobs in the prison or more prison industry?

MR. REDD: Number one, it's overcrowded. That is number one. That's one reason why you don't have enough jobs. And it's now overcrowded to where you constantly tell them that you need to spend more money to build more institutions and all this. It's overcrowded because you're sending people to two particular prisons because of a point system. And you are crowding them in, whereas, I can do time in any prison, I can do time in a Level 1 prison because my crime doesn't make me go to a Level 1 institution to start a bunch of ruckus down there. It doesn't do that. But when you start putting everybody with a high point system in one prison, then you have the right to say that these

are your most dangerous prisons.

ASSEMBLYMAN STIRLING: So you think the point system is wrong?

MR. REDD: The point system...

ASSEMBLYMAN STIRLING: Isn't it reasonable to assume that a murderer is going to be more dangerous than another person?

MR. REDD: No.

ASSEMBLYMAN STIRLING: How would you decide that?

MR. REDD: Number one, it's a proven fact if you can go through the history within the wall that the murderers don't even have large crime rates within the prison walls.

ASSEMBLYMAN STIRLING: Because nobody wants to mess with them, isn't it?

MR. REDD: No, that's not the point that nobody wants to mess with them. It's the point that you have a lot of people who realize how much time they have, so they spend the time to construct their environment, they make it as comfortable as possible. And they do this by getting involved with positive programs.

ASSEMBLYMAN STIRLING: Thank you very much. Thank you, Mr. Chairman.

CHAIRMAN PRESLEY: Okay. Can you think of anything else as long as you're there?

MR. REDD: Yes, there's a couple of things I wanted to talk about it...

CHAIRMAN PRESLEY: Go get it. I don't want to break your train of thought. Go ahead.

MR. REDD: ...also I wanted to say this, like over their in 4-A where I'm at, when an incident occurred in the general population, for a long time and they have always been--they have locked us down too. A while back they kind of stopped locking us down for a while, whereas, if something happened in the general population, we wasn't affected by it. Now we have been on lockdown ever since this last incident because of what's been going on in the general population. We aren't separated--segregated by yards out there. So we do not, even if they ran a yard in the lockups, Blacks do not go to the same yard with Mexicans, they're not going to the same with Whites, you know, because they have yards split off. So we don't go to the same yards. So it's not like what's going on in the general population will also continue what's going on in the hole because we don't have the type of problem. What it is we have a lot of people, mature people in the hole who have been in the hole for a long time who have been refused to let out to the general population. Not for any wrongdoing that's going on out there. Who if being transferred to be put in general population who are more mature, who have more influence with Blacks or Whites or Mexicans in the general population, who if without the hole can possibly solve many of the problems that exist. But keeping them, including myself, locked up in the hole, you keep things brewing because you have a lot of youngsters in the general population. Whereas, people who've been around a long time you have locked up in the hole,, year after year, just locked up in the hole.. What this done you have inexperienced people on line.

Like I just read a recent article, really kind of displeased me because the article was saying that the Black Guerilla Family was losing power, that--how these CRIPS and these, some other new name for a CRIP that I read in the paper, has taken over the leadership and all this. This is a bunch

of garbage. Saying--for a long time people kept saying, this is a Gang War, Racial War. Now that Blacks are retaliating, protecting they self, in other words, because they become so paranoid that they're going to become a victim of an assault, particularly since now he goes to the point where it's a CRIP, it's the power over us doing this now instead of saying, it's Blacks. You understand? It just went from one label to another label. Now you can stop talking about the BGF, now you're going to talk about the Piro and the CRIPS and what you're doing--excuse me, not what you're doing--but what has been done by the administration by doing this has caused friction amongst the Blacks because people read these types of articles. People start knowing that a lot of things you read in the paper you can't really believe it. But there's some people who don't have that type of...

CHAIRMAN PRESLEY: I appreciate the way you said it.

MR. REDD: You know, they don't have the type of perception to where they could be able to decipher what is true and what is not true. So what you start having, start building up a lot of trenching, paranoia, with fear in the same race where people start looking at each other. So then you create another problem. And then you add to it when you tell a newspaper this is what's going on, when, in fact, that's not what's going on. But the newspaper's not allowed to come in and, you know, walk down and interview people, so therefore, they're going to go by what the administrator's telling them.

CHAIRMAN PRESLEY: Okay. Senator Davis.

SENATOR ED DAVIS: I have a question on your observation that you've never seen the warden. Do you know how many prisoners are in Folsom?

MR. REDD: How many are in Folsom? No, except I believe from what I've read in the paper it's something like 2,000, close to 3,000. Something like that.

SENATOR DAVIS: Okay. And how many prison employees would you think there are?

MR. REDD: I'm not certain. I've never been into the general population out here...

SENATOR DAVIS: Are there--have you seen anyone in a high supervisory capacity other than the warden, ever inspect where you are?

MR. REDD: I've seen lieutenants and sergeants. And I've seen people tour within the building. I don't know...

SENATOR DAVIS: Are there captains?

MR. REDD: Yes, there are captains.

SENATOR DAVIS: Has a captain ever inspected your area?

MR. REDD: I don't even know what a captain is, to be honest.

SENATOR DAVIS: Well, they've got two bars.

MR. REDD: Well, I know the bars. What I'm saying is I don't recall ever seeing--have I? I don't recall.

SENATOR DAVIS: Who do you normally see? Sergeants?

MR. REDD: Sergeants, lieutenants and program administrators.

SENATOR DAVIS: But you don't see anyone higher than that?

MR. REDD: Higher than a program administrator?

SENATOR DAVIS: Well, what's a program administrator? Is he security or is he in charge of whether you work?

MR. REDD: Program administrator, I think you can define him as the one who is overall program runner within a unit. He has assigned to him, you know, like counselors, you know, sergeants and lieutenants within the building he's assigned to as a program administrator.

SENATOR DAVIS: Well, what I'm trying to get at is if any, if the warden has number two and number three people, do they inspect? Do they go around and ask questions and take a look?

MR. REDD: Well, the only people I have seen come around and ask questions have been the Toussaint attorneys who have come around, you know with a...

SENATOR DAVIS: What kind of attorneys?

MR. REDD: Toussaint attorneys, attorneys for Toussaint.

SENATOR DAVIS: Okay.

MR. REDD: They're the only ones I've seen come by and stop, you know, at every other cell or at random, stop at people's cells and ask them, you know, what's going on, how's it going, how do you feel, are you getting hot food, etc.

SENATOR DAVIS: Well, what I was getting at was you obviously believe in your knowledge of administration and in your process of inspection. That top guy has to know what's going on through his own eyeballs and he can't do that systematically through others. You're saying you've seen no evidence of top management just inspecting things and asking questions?

MR. REDD: Not...

SENATOR DAVIS: I imagine we'll hear from the administration at some time today.

MR. REDD: I haven't met no one from the administration who went around and asked questions. Like I said, I have only met people from the Toussaint who had been walking and during their walk they had like program administrators, when they signed, when they asked questions. But I have never met anybody coming around saying I'm from the administrator and I'm asking you questions about this and that.

SENATOR DAVIS: Well, the numbers, if you want them for the next exam, apparently are 2,928 prisoners--inmates--I guess that's what you say now. You're not a prisoner, you're an inmate.

MR. REDD: I'm a prisoner.

SENATOR DAVIS: I used to call them prisoners. And 850 staff. Okay, but you just don't see any evidence of anyone coming around and saying, how are things going?

MR. REDD: No...

SENATOR DAVIS: Do you have any beefs?

MR. REDD: ...I haven't seen anyone.

SENATOR DAVIS: Well, how about people at the correctional officer level and the sergeants? Do they come around and say, do you have any beefs?

MR. REDD: Oh, we have officers who run the tier, run the floor, okay? You normally, you know, if you've got something, you know, you constantly have to holler up there. There was one particular incident whereas we got, the whole tier, well, not the whole tier, but many of us got "115"

violations. Like first, they had a guard working over there who had a little cat. The cat was staying inside of the building. This guard went down there and picked this cat up, put him in a bag, wrung his neck, put him in the garbage. So, we start trying to tell the other lieutenant, et cetera, to move this officer, who done this, out of this building. We don't want him over here because he's walking around like his chest was puffed up. We didn't get no reaction, so what we started doing is we started rattling our bars, hollering, banging and throwing food out there on the tier. When this happens...

SENATOR DAVIS: Because you don't like killers.

MR. REDD: What's that?

SENATOR DAVIS: Because you don't like killers.

MR. REDD: The fact was, it was a harmless cat. It was a kitten really. You could have just opened the door and sent it back outside. But when you wring somebody's neck like that and then stick your chest out like it's a proud thing. 'Cause nobody, regardless...

SENATOR DAVIS: Did you ever talk to a supervisory person about that while all the ruckus was going on?

MR. REDD: Well, we had tried to talk to people prior to that and we wouldn't get no results, so we...

SENATOR DAVIS: After that.

MR. REDD: Oh, it wasn't necessary after that because once we started doing what we were doing, they moved him out of the building.

CHAIRMAN PRESLEY: Okay, thank you very much. We did yesterday have two Hispanics that were going to testify and I understand today they refuse to do so, so they will not come over.

ASSEMBLYMAN FLOYD: Do I get a chance to say something to Mr. Redd?

CHAIRMAN PRESLEY: Sure. If you want to.

ASSEMBLYMAN FLOYD: Yeah, I want to. Mr. Redd, you walked in the door here in '82 with 96 points.

MR. REDD: Well, I walked in with more than 96 points, but 96 points I had...

ASSEMBLYMAN FLOYD: Ninety-six got you a ticket in?

MR. REDD: Right.

ASSEMBLYMAN FLOYD: Got any idea what the point standing is today?

MR. REDD: No.

UNIDENTIFIED: After today?

ASSEMBLYMAN FLOYD: Well, after today, God knows. You talked about the Work Incentive Program that this Legislature passed and we all know there ain't no jobs. We knew that. The people who voted for that bill knew that when they passed that piece of legislation. Part of that was taking away the good time just for doing your time. You're aware of that too?

MR. REDD: Yeah, but then I'm a lifer, it doesn't...

ASSEMBLYMAN FLOYD: It doesn't matter one way or the other.

MR. REDD: But I'm restricted...

ASSEMBLYMAN FLOYD: You're restricted because of the points.

MR. REDD: Right. They apply the restrictions to me but they don't apply the privileges to me because I'm not included into that program.

ASSEMBLYMAN FLOYD: You also mentioned you had some material. I assume some notes that you were going to refer to here?

MR. REDD: Yeah, I had that and I had some appeals that I had filed in regards to the Work Incentive Program, which Sacramento had told me that they agreed that we are discriminated against, lifers are excluded and discriminated against within this program, and I wanted to bring that.

ASSEMBLYMAN FLOYD: Who told you you couldn't bring that?

MR. REDD: Well, the officer said I wasn't allowed to bring none of the legal stuff with me.

ASSEMBLYMAN FLOYD: That's great. Senator Davis and his questions just a minute ago about your having seen the warden or high officials, I think, trying to point out that you really shouldn't be expecting to see people like that with 2,900 folks here. But you're sort of a special category over there. You're in the hole. The guys in the yard--what I'm saying is and I'm trying to say this to Senator Davis, I guess, is that once you're in a special category, you ought to see the special people, Senator. Twenty-nine hundred, when you pull the guys in the hole, that's a special category. Are you aware that the warden here for years has been known as Mr. Folsom?

MR. REDD: Yeah, I'd heard that, I'd heard that. I'd like to say something else. I understand that the population is real high, I understand that the warden can't go around and see everybody by themselves individual being that you have all these lockup units now, converting all these new lockup units. Basically, this whole joint is locked down. Everything is a lockup. I mean, when things start creating that large, then I think he should be coming down, talking to the prisoners, finding out what kind of grievances they have, and what is the grievances about, what is the problem. You understand? What you think we need to change around here. I'm not saying that, you know, he going to change it, but saying, you know, he taking the time to learn to sit up there in his house, whatever it is, and study what he heard from inside the prisoners there.

ASSEMBLYMAN FLOYD: Well, we have a system in the Legislature where we, the Senate, has to confirm this warden. I mean, they have to--the Governor appoints him and then the Senate confirms him--went through a whole lot of hearings on that. I listened to a whole lot of the testimony, although I'm not in the Senate, and I recall hearing that the warden knows every crook and cranny, that he knows the heartbeat of this place, that he knows--it was intimated that he knows everything that happens full-time. That's why he's such a great warden. Do you think he ever heard your heartbeat?

MR. REDD: No, I don't.

ASSEMBLYMAN FLOYD: Do you think he ever heard about the cat incident?

MR. REDD: Yes, I believe he probably did hear about that one.

ASSEMBLYMAN FLOYD: It wasn't his cat, though.

MR. REDD: No, it wasn't his cat, but I believe he did hear about that one.

ASSEMBLYMAN FLOYD: And then another thing that you sort of touched on, Mr. Redd. You said for a metal object to come in here, for a prisoner to fake that metal object, it was impossible. I

believe that. So, how does it get in there? Any idea?

MR. REDD: Well, I have an idea, but I'm not going to, you know...

ASSEMBLYMAN FLOYD: It comes in with the wind?

MR. REDD: I'm saying I don't have no facts to substantiate my ideas.

ASSEMBLYMAN FLOYD: A little bit of dope around here, too.

MR. REDD: Oh,...

ASSEMBLYMAN FLOYD: I imagine it comes in the same way the little metal objects do, don't you?

MR. REDD: Let's kind of stick to the metal, you know what I mean?

ASSEMBLYMAN FLOYD: Yeah.

MR. REDD: Let's stick to the metal, let's stick to the metal detection.

ASSEMBLYMAN FLOYD: The metal comes through and so does some other items. That's all right. And we know that you're absolutely on target with the vendor situation...

MR. REDD: Is that right?

ASSEMBLYMAN FLOYD: ...where you have to buy your radio, your TV from what is it? Appliance store, hardware store in Folsom, something like that?

MR. REDD: Well, I don't even know, you know, where it go to.

ASSEMBLYMAN FLOYD: We pretty well know where it is and that's a damn shame, too, but, thank you, Senator.

CHAIRMAN PRESLEY: Okay, we've been joined by Jeannette Burton to my far left, who represents Senator Watson. I want to thank you again very much for coming over. It's been helpful. Thanks.

MR. REDD: I want to ask another question. I mean, what is the chances of this Work Incentive Program being remodified or erradicated, period?

CHAIRMAN PRESLEY: It's in the Legislature, Mr. Redd. Anything is possible any day. (Laughter). So it's always possible that that could be changed. Thank you very much, again, for being here.

Okay, our next witness is Mr. Craig Haney, who is a professor at the University of California, Santa Cruz, and who has studied prison problems for about 15 years, including the problems here at this particular prison. Mr. Haney. Thank you, Dr. Haney, for taking the time to join us.

DR. CRAIG HANEY: You're welcome, Senator. I've been asked to make a short 10 or 12 minute statement and then primarily be available to answer questions based on that statement.

Let me begin by providing you with a little background which I think would represent some context for the comments that I want to make about Folsom. As you mentioned, I've studied for the last 14 or 15 years psychological effects of imprisonment, the psychological adjustments which people make to incarceration, and also the specific prison conditions which are most psychologically harmful. Over that period of time that work has taken me into prison systems in many of the United States and also several other countries. I've worked as a consultant to the United States Department of Justice evaluating state prison conditions, and also conditions in hopsitals for the so-called

criminally insane. I spent about 2 years studying the causes and consequences of a New Mexico prison riot which occurred in February of 1980, and most recently have worked on a study of the effects of overcrowding in the Texas prison system, which is the only prison system in the United States larger than California's.

A lot of the work I have done, because I work in California and teach at the University of California at Santa Cruz, has been in California prisons, and in the last 3 or 4 years I have been in and evaluated most, if not all, of the major prisons inside this state. It's not my intention to be melodramatic if I say I have never in the last 15 years seen the prisons in this State in as bad shape as they currently are. The term--the concept crisis is perhaps overused in political dialogue, but I'm afraid there really is no other way to describe the conditions of the prisons which I have seen in California. They are in a desperate state of crisis.

By no means, the only, but to my mind, the major cause at the center of that crisis is the extraordinary levels of overcrowding which currently exists in the system. Overcrowding, as I said, is not the only problem, but it is in many ways the essential and most important problem. In part because it is a powerful impact or effect on one's daily existence in and of itself to live under crowded conditions, but also as I think you've heard from inmate testimony so far, overcrowding affects virtually every aspect, every other aspect of the day-to-day operation of the institution.

I have prepared a summary of literature for the committee, numerous studies which have been done on the effects of overcrowding, primarily in prison institutions. They are unanimous in agreeing that overcrowding is a significant, a serious, a harmful psychological condition which exists inside prisons. It has psychological consequences of varying degrees. Under certain circumstances when certain other conditions exist also, overcrowding can be a very dangerous condition inside prisons.

The kinds of other conditions which the research has identified as exacerbating the problem of overcrowding are precisely the kinds of conditions which currently prevail at Folsom and many other California institutions. What are those conditions? Folsom, as I'm sure you know if you've been inside or you've heard descriptions, is an antiquated facility. Parts of this institution look like an American Correctional Association museum, except that there are people living there. The cells themselves are too small, in my opinion, for a single person to inhabit for the amounts of time that two people are currently locked inside. They are roughly 46 to 47 square feet in dimension, which is less than the American Correctional Association's minimums for single-celling, and these cells, as you know I'm sure, are double-celled.

The idleness which prevails inside the lockups, as well as the mainline units in this institution, are unprecedented and unheard of in other states, I might add. Lockdowns for mainline inmates are the rule rather than the exception, which means that inmates can go weeks at a time without any opportunity for recreation, without any opportunity for showers, are fed in their cells for long periods of time, and I'm talking now about mainline inmates, not inmates who are in disciplinary segregation. Indeed, many inmates who I interviewed inside Folsom told me that the distinction between mainline and disciplinary segregation had almost disappeared over the last year. And indeed, some of them said they would actually prefer living under disciplinary segregation conditions because the routine is

better developed under those conditions. That is to say, that segregation and the lockdown is the norm in those units and so the staff and the institution has articulated a set of procedures by which those lockdowns are more or less orderly. The lockdowns which exist in the mainline, however, because they are in theory at least temporary states of affairs, are much less better adjusted to by both the staff and the inmates. And so the routines they suggested are actually better in disciplinary segregation than they are in the mainline on a day-to-day basis.

There are, as I'm sure you've heard, inadequate educational vocational training programs in this institution. There is an absence of work. There are no day rooms. There is no gym. There is inadequate access to the yard, and I could go on and on. The conditions which prevail inside this institution are precisely the conditions which the research and my own experience suggests greatly exacerbate the already serious psychological harm and damage produced by overcrowding. These are not just unpleasant conditions, inconveniences, or even just painful conditions. They're conditions that can and do have long-term consequences for people who are forced to endure them. Real psychological consequences and oftentimes physical consequences, as well.

The research has identified and I have seen it in my own interviews in this institution and in others, a series of dysfunctional psychological reactions to exposure, long-term exposure to the kind of conditions which inmates in Folsom must endure. Some inmates react to these harmful and threatening conditions by withdrawing. They lose hope. They become depressed. They become asocial. They become incommunicative, distrustful, defensive with people, a set of reactions which has consequences, not only for their day-to-day interactions with other inmates, but for whatever hope they might have of maintaining relationships on the outside with whom they will need to be reintegrated when they are released from prison.

Some inmates react defensively with that kind of mental and emotional deterioration. They simply can't take the pressures they're exposed to inside as many people cannot. Some of them indeed develop or develop forms of psychopathology, some of them who have psychological problems to begin with find that their psychological conditions worsen. As I'm sure you've heard, one of the consequences of overcrowding is that the psychiatric and psychological staff can't possibly begin to deal with the kinds of problems that large numbers of inmates have under those conditions, and so their psychological conditions worsen, they go untreated, some of them have permanent consequences.

Many inmates react to this kind of treatment with anger and frustration, some with rage and loss of control, and not surprisingly, violence is oftentimes a direct consequence of being forced to live under the kinds of conditions which inmates at Folsom are now living. As I suggested, these consequences can and often are long-term in nature. People develop persistent habits of relating with other human beings, of thinking about other people, of thinking about themselves, habits which persist even beyond their terms of incarceration. There are untold numbers of relationships which are destroyed, never to be resumed again as a result of the kind of psychological changes which inmates go through in attempting to endure and adjust to these kinds of conditions. Sometimes the psychological or psychic trauma also is irreversible. People develop emotional problems which they

don't recover from, even once they're released. And of course, the violence can have dramatic long-term, even permanent consequences, for people who are its victims once they are victimized violently inside. So we're not talking about psychological effects that are temporary in nature necessarily, minor painful inconveniences, but rather profound changes that can take place inside of human beings, changes which in some instances are irreversible.

I suspect much of what I've just said is already known to you and my purpose was simply to remind you of the fact that if you've heard this from other people, I want to add my voice to theirs. I have never seen the prisons in this State in as bad a shape as they are currently in and this one is in as bad a shape as any of them in the State I've seen or any of them anywhere in the country, for that matter, including the State of Texas which is currently under court order to remedy the kinds of unconstitutional conditions which exist in its prisons.

CHAIRMAN PRESLEY: Mr. Stirling has a question for you, Doctor.

ASSEMBLYMAN STIRLING: Doctor Haney, the mechanics of the University of California to address congressional issues are what? Or are there any?

DR. HANEY: The mechanics of the University to address correctional issues?

ASSEMBLYMAN STIRLING: Is there an institute?

DR. HANEY: No, there is not.

ASSEMBLYMAN STIRLING: Is there a PhD., is there a Master's Degree, is there a research institute? Is there anything of that nature?

DR. HANEY: No, unfortunately, there is not. There are independent researchers who work on these problems as part of their academic research.

ASSEMBLYMAN STIRLING: To your knowledge there is no accumulation of the collective wisdom about corrections in this state or other places? There's no cadre of upper level management or research think-tanking going on?

DR. HANEY: No.

ASSEMBLYMAN STIRLING: Have you ever made such a recommendation to the Regents of the University of California?

DR. HANEY: No, I haven't.

ASSEMBLYMAN STIRLING: Have you ever made such a recommendation to the president of Santa Barbara? Santa Cruz, pardon me.

DR. HANEY: No, I haven't. Such a recommendation would be a well-taken one.

ASSEMBLYMAN STIRLING: Why haven't you? I mean, it seems to me that a person who has put his heart and soul into this issue would like to see some correction.

DR. HANEY: I have made the recommendations, Mr. Stirling, to private granting institutions. There are very few research institutions set up by the University of California proper. The more typical or normative method by which such institutions are set up is through private foundation money and I have on a number of occasions made such a recommendation. The private foundation granting situation over the last 5 or 10 years has been such that that kind of money has not been available for these kinds of topics.

ASSEMBLYMAN STIRLING: Okay. On the issue--on all the dysfunctional issues you've identified, what is the impact of that on our community outside the walls on our recidivist rate?

DR. HANEY: Well, I think the impact of the kind of conditions which inmates are being subjected to and have been for the last several years in this system has yet to be assessed. I can tell you that based on other experience and based on the research, we have reason for very grave concern about the longer-term post-incarceration consequences of having been confined under these kinds of conditions.

ASSEMBLYMAN STIRLING: Well, we know there's not a 100 percent recidivist rate, right?

DR. HANEY: Certainly.

ASSEMBLYMAN STIRLING: Okay, so the question, I mean, it seems to me that there's two logical approaches to take to it, neither one of which is scientifically based and therefore suspect. One is that if it's so miserable in there they'll be motivated not to come back. Do you find that to be a plausible argument and if not, why not?

DR. HANEY: Yes. No. It is the underlying theory or the assumption which underlies deterrence theory and as common sense as it may seem, unfortunately, the researchers--quite to the contrary in point of fact--people seem not to learn from the unpleasantness of that experience, at least not to learn strategies or mechanisms or methods by which they never return again. In fact, what happens as a function of being forced to endure these kinds of desperate conditions is that people develop mechanisms of surviving which are quite dysfunctional on the street and which indeed increase the likelihood that they're going to be in trouble with the law again. Notwithstanding the fact that you're talking about men, many of whom are in the primes of their life, who given the conditions in the current California system, are basically placed on hold for 5 or 10 or 15-year periods of time during which they're not receiving any job training, they're not receiving any education. They come out older men. They come out, some of them, not all of them by any means, but some of them come out damaged by the experience and they come out significantly disadvantaged in the job market and they face an economic situation which for many of them necessitates resumption of the kind of activity which led them to be incarcerated in the first place.

ASSEMBLYMAN STIRLING: Let's take the flip side, the discreditation of rehabilitation over the years. Is that true or has there been rehabilitation approaches that have been effective?

DR. HANEY: Well, I think there have been some that have been effective. Unfortunately, what has happened is in concluding that rehabilitation didn't work as well as we would have liked it to have worked, we have given up on it. And in point of fact that is one of the things which has contributed to the desperate situation which currently exists. We see, I say we not meaning simply that this society, seems content to warehouse people, content to warehouse them without any concern being given whatsoever to the long-term consequences of that kind of warehousing.

ASSEMBLYMAN STIRLING: And there's no mechanism to evaluate that nor to accumulate wisdom about that, as far as you know, in this State?

DR. HANEY: No, and...

ASSEMBLYMAN STIRLING: And you would support the establishment of such an institution?

DR. HANEY: Indeed I would.

ASSEMBLYMAN STIRLING: Would the University of California at Riverside be a good center of gravity to locate that?

DR. HANEY: It might well be.

ASSEMBLYMAN STIRLING: Would the Presley Institute be a good name for such an institute? (Laughter.)

DR. HANEY: It might well be.

ASSEMBLYMAN STIRLING: I intend to introduce such legislation, if Senator Presley doesn't beat me to it. I would like to know from your own experience and information what the relationship is between--well, first of all, I don't understand why every person is not a member of a gang inside a prison simply for self-defense?

DR. HANEY: Well, I think you know you put your finger on one important issue and I think it's important to clarify the issue of gangs. I know it's of major concern in the Department of Corrections as it well should be. I think the analysis of the gang problem, however, has to begin with some analysis of why gangs occur. In my opinion, gangs are the consequence, not the cause, of the desperate conditions which exist inside these institutions. People join gangs out of fear, they join gangs out of a sense of powerlessness, they join gangs out of a sense of lowered personal self-esteem. I would guess...

ASSEMBLYMAN STIRLING: The question is why not every member--why every person is not a member of--ever affiliated directly or indirectly with a gang?

DR. HANEY: Because some inmates are intimidated by the kinds of activities which the gangs suggest to them. Some inmates are loners and won't join any kind of organizations or associations and gangs included. As I suspect you've heard from other--from inmates--under certain circumstances a fair amount of pressure placed on people to join gangs. I have talked to a number of people who have become unwilling participants in gang activity. But there are many people, and it is hard to argue with the rationality of it, join gangs out of a sense of desperation, out of a sense of needing self-defense.

ASSEMBLYMAN STIRLING: And the following question is what is the implication of that to our community? Are the gangs in Los Angeles and even in my own home of San Diego, are they affiliated directly or indirectly controlled with, aligned with internal gangs in the prisons?

DR. HANEY: Some of them are.

ASSEMBLYMAN STIRLING: Some of them are? Is there an interrelationship--I mean, is there a traffic between them, among them? Traffic in terms of drugs and extortion for hire and prostitution and employment opportunities upon release?

DR. HANEY: I suspect that there is. I think it would be easy to exaggerate that. On the other hand, I think we would be foolish to suggest that it doesn't occur. You form relationships and associations inside an institution and you're released. As you well know, many of the gangs have kind of a geographical logic to them in the first place.

ASSEMBLYMAN STIRLING: But your studies have not unearthed that specifically?

DR. HANEY: No.

ASSEMBLYMAN STIRLING: I mean there's no network, no identifiable network?

DR. HANEY: I don't know any identifiable formalized network. I would think that it would be-- one would expect there to be a kind of an informal set of associations developed on this basis, yes.

ASSEMBLYMAN STIRLING: Just one final question, if I could. Mr. Redd indicated as he was listing gangs and affiliations, he said, it sounded to me like he said "Christians" instead of "CRIPS." Is there a--did he say "CRIPS?"

DR. HANEY: I think he said "CRIPS."

ASSEMBLYMAN STIRLING: CRIPS? Okay.

CHAIRMAN PRESLEY: He was relating to the Muslim thing.

ASSEMBLYMAN STIRLING: Thank you, Mr. Chairman.

CHAIRMAN PRESLEY: Just one comment on pursuing the PhD. program training. We do have-- the committee has some communications going back and forth with Dr. Gardner, so just for your information, it's not totally lost. Senator Davis.

SENATOR DAVIS: Professor, you've probably looked over prisons in other states.

DR. HANEY: Yes, sir, I have.

SENATOR DAVIS: Have you found any, have you found a good state and have you correlated whether or not they had determined that indeterminate sentencing and what the recidivism rate was? Has anyone worked out something where they have some rehabilitation for those who aren't sociopaths and turns them out maybe better than other states turned them out, and what impact it's had on those states? Or, is it desperate all over?

DR. HANEY: Well, no. There are a number of states that place much greater emphasis on rehabilitation and vocational training than we do in California. The State of Minnesota has been for many years, along with California until the last 10 or so years, the leaders in the country in an emphasis on rehabilitation, by which they mean primarily vocational training or work programs. There are a number of states, not necessarily model prison systems on other dimensions, but for example, the State of Ohio places a much greater emphasis on prison work programs, vocational training. Even the State of Texas, which again is not a model on other dimensions, does a far better job, I'm afraid to say, than we do in terms of providing work for inmates. One of the things which is most dramatic in evaluating California prisons 10 or so years ago is the number of inmates who simply have nothing to do, are not involved in vocational training programs, educational programs, work programs, are not receiving any kind of therapy or psychological rehabilitation of the sort which flourished in the State 10 or 15 years ago, who are simply sitting idly and they're being warehoused quite simply. And I must say along that dimension, inmate activity, rehabilitation in the form of activity, vocational, educational training, we are lagging seriously behind a number of states.

SENATOR DAVIS: Have you studied the consequences of the differences? I mean, is the recidivism rate of those states, let's say, Ohio, you mentioned, is their recidivism rate less?

DR. HANEY: Some of the statistics on Minnesota suggests that it is now and has been for some time better with respect to recidivism. Recidivism rates are a treacherous thing to begin to compare

between states, in part because of the way the information is collected, in part because changes in procedures inside the prison don't show up for many years after. For example, as I suggested earlier in response to a question, I think that we are going to begin to see in the next 5 or 10 years in this State the consequence of the kind of warehousing we've been doing for the last 5 in a way that we currently don't see it and don't feel it, because many of the people who have been most victimized by this treatment, or lack of treatment as it were, are still inside. And we as a society, as a state society, are just beginning, I think, to pick up some of the consequences of that long-term warehousing of large numbers of people.

SENATOR DAVIS: Well, this overcrowding comes about during the Brown Administration, the Legislature passed the determinate sentencing laws, and I happen to be one of two people who fought that. But I think it probably has become the mold. Are most states now in determinate sentencing?

DR. HANEY: Yes, they followed our lead, at their peril, perhaps, but they have.

SENATOR DAVIS: Okay, so without a building program that has caused a crisis and we're desperately trying to build. You can't build them very rapidly.

DR. HANEY: You're quite right. The problem is complicated by a couple of things. We passed the determinate sentencing law. We did not immediately follow it with a building program. We also did not pass an emergency release act which many other states which moved to determinate sentencing did in fact pass, which provided for the kind of release valve that the indeterminate sentence provided for the State of California for three-quarters of a century. The correctional system, the judiciary and the Legislature had come to depend on that release valve. We took the valve away for perhaps good reasons, for perhaps not good reasons, but at any rate went to a determinate sentencing model. There was no flexibility left in the system. That combined with the fact that the classification system is primarily based, the single most important determinate of classification level in the system, is sentence length. Sentence lengths, as I'm sure you know, have been increased year after year after year which has artificially inflated the security level of the inmates in the Department of Corrections. So you have a massive overcrowding problem at the highest levels of security in the system, which is the least flexible level of security. Levels for prisons are not very expandable almost by definition and that's where there has been an artificial concentration of inmates in part as a response to increasing length of sentence. So, it was a combination of things that produced the crisis.

SENATOR DAVIS: In your studies have you examined and compared the qualifications, the quality of administration of various states? Do we run our prisons better or worse than other places and is there really a body of professional knowledge that would make--when you have an intolerable situation where you're packing 2,900 into something that 1,400 will fit into comfortably, I'm not sure anyone with any amount of training with all the Ph.D.'s in the world--but are there differences in the excellence of the administration of prisons around the country that handle the same bad-type situation where you have determinate sentencing, just crowding them in without the places being built, does that make a difference? Is there any difference?

DR. HANEY: I'm not sure anyone could have solved the problem that the Department of

Correction currently faces completely without a set of resources which they don't have at their disposal and some flexibility in terms of release, which they don't have because it's a legislative issue. I think they adopted a strategy, in my opinion not necessarily the best strategy, but it's an understandable one given the magnitude of the problem which they face, which is a little bit different from the strategy which some other states face with overcrowding have adopted. There has not been in this state a major prison riot, although there has been what I refer to in the past as a slow motion riot taking place in this prison and in several others in the state. And I think in part the reason there has not been a major riot is because the Department of Corrections has adopted a strategy of isolating and segregating inmates and using force and a kind of intimidation to keep them under control, and to a certain extent that's been effective. I think it comes at a great cost.

The conditions which prevail inside those institutions, as I've suggested, are forcing adaptations on people which are going to be dysfunctional to their readjustment to society. But it is a strategy of control and one can easily understand why the Department might have moved to it. I would have liked to have seen them move in a different direction, to act to reclassify inmates who, in my opinion, don't need to be in Level 4 or 3 institutions, to work to expand facilities at the lower security levels where the institutions themselves are more easily expanded. It is much easier to build Level 1 institutions to expand populations at that level. And also, incidentally, it is also easier to dismantle those institutions if we should find ourselves in the enviable position of not needing all the beds that we constructed. It's much less easy to reconstruct or dismantle Level 4 institutions. They tend, like this one, to stay with us for 100 or so years once they're constructed. That's a different strategy. I would have liked to have seen much more concern placed on community-based programs, a term which has gone out of fashion in the last 5 or 6 years, but which was often discussed by committees like your own. I remember testifying 10 or so years ago about community-based alternatives. There was a time when California was seriously considering putting extensive amounts of resources into those kinds of programs. Those kinds of programs are also much more easily expanded than Level 4 institutions like San Quentin and Folsom.

SENATOR DAVIS: They were regurgitated by the public, though, by what happened around them. And almost every community in the State really tried them.

DR. HANEY: In part they were and I think that part of the problem we're currently faced with is a consequence of a kind of attitude which has developed among the public. I think we, and I include myself and I think to a certain extent public officials in the State, have conveyed the impression to the public in the State of California that prisoners are vicious animals and that to that extent it then becomes easier for the Department of Corrections to treat them that way. Once treated that way for long periods of time, some people begin to act that way. It becomes much more difficult then for us to suggest now that some other things ought to be done with them aside from warehousing that the public, for example, ought to consider community-based alternatives, less secure facilities because the public has been frightened and enraged on a quite understandable basis. But inmates are not vicious animals, they are human beings and they deserve to be treated that way while they're incarcerated, and they deserve to be treated then in ways we would like them to be treated once they

return to the community because the overwhelming majority of them are going to come back and live among us. For that reason I think the public needs to begin to think now again about how people who are incarcerated ought to be treated during the period of time which they're away, if only out of concern for how they're going to be when they come back to us.

SENATOR DAVIS: One last question. Has anybody studied the role of the quality of prisoners in the various states? Are our prisoners meaner, tougher, better, nicer? Has that study ever been done?

DR. HANEY: I can tell you only that my own experience, my own impressions suggest that our prisoners in California are not meaner and tougher or nicer, but pretty much the same as prisoners in other states. They are there for pretty much the same kinds of reasons. We don't have...

SENATOR DAVIS: A robbery is a robbery, huh?

DR. HANEY: That's one way of putting it, yes.

CHAIRMAN PRESLEY: Dr. Haney, you said that the Department of Corrections, you'd like to see them have more resources so they could do some things differently. I suppose you're talking about emergency release as one. What else?

DR. HANEY: Yes. Well, I've mentioned already a reclassification program. I think that they have become in a sense the captives of a classification system which is now doing them a disservice. In my opinion, it overclassifies people on the basis of sentence length. Sentence length is one correlate, but not necessarily the only, not necessarily the most important correlate of security risk inside the institution. So I think that a reclassifying or a declassifying of inmates in which you shift the burden of the overpopulation to the lower security level facilities and expand them at the same time. Also, I think I mentioned community-based programs, halfway house programs that are sometimes called decompression programs. One of the dramatic facts about the overcrowding problem in the state is that people are released out of institutions which are desperate in terms of conditions, which are extraordinary places for people to have to live, and they leave these institutions and reenter the community oftentimes, not always, but oftentimes without any kind of transitional period, without any kind of program in which they're reintegrated into the society whose norms and conditions are very different from the ones they've been forced to endure.

CHAIRMAN PRESLEY: Having studied the problems here at Folsom, somebody said tomorrow Dr. Haney here is warden of this prison, what would you do to contain this violence that we have here?

DR. HANEY: I would urge on the Legislature passage of the kind of legislation we've been talking about. I think that the warden has few degrees of freedom if nothing else changes. I would act as warden directly to urge the Department of Corrections to reclassify my inmates and I would single-cell inmates in this institution. I would do what I could do to bring as many vocational training and educational programs into the institutions. Inmates in this institution have very little to look forward to, very little to live for. They have--to the extent to which the gang problem is a significant problem, and I believe it is, the gangs offer inmates in a sense the only access to power which they have inside. The other thing I would do as a warden is I would begin to develop inmate

self-government. I would provide what California prisons always had in the past, a mens' advisory council or inmates' advisory council in which forms of legitimate power could be created inside these institutions so inmates could have some input into the way they're being treated. That's the other function that the gangs serve and it's a function which they serve in the absence of any kind of legitimate access to power or for redress of grievances.

CHAIRMAN PRESLEY: And the legislation you said you would urge would be the, what? The early release?

DR. HANEY: The early release to the extent to which legislation is required for the allocation of funds for community-based programs, for the decompression programs I talked about, the halfway houses, and so on. I would urge that. An expansion of the Level 1 and 2 institutions, at least on a temporary basis.

CHAIRMAN PRESLEY: Mr. Stirling.

ASSEMBLYMAN STIRLING: Mr. Floyd had a question of this witness.

ASSEMBLYMAN FLOYD: I guess you have done some pretty heavy study on this system. What about the centralization of decisionmaking and that sort of thing with CDC? Have you looked at what options a warden does have, you know, what are the things that he can do without going calling Sacramento and, you know, getting an okay from whoever is supposedly in charge? Have you looked at that decentralization, because my feeling is the best warden, if he can't run his own show and thereby have the authority to do a whole hell of a lot of things so he has to depend on a bureaucracy in Sacramento, then it's--and it might be better for the wardens. They don't really have to accept the responsibility. They don't have the availability to do it. But have you looked into the overall bureaucratic structure of the prison system in California?

DR. HANEY: No. To the extent to which I have focused on the options available to the administration, it has been in terms of limitations of options due to resources due to really a lack of degree of freedom in terms of where to put people, in part a function, as I mentioned, of the classification system.

ASSEMBLYMAN FLOYD: Yes, but Senator Presley said, if you became warden tomorrow, what would you do. The question is, if anybody became warden tomorrow, what could they do with what authority and how would a warden make a change? If we don't know and if you don't know what freedoms and alternatives a warden has, then it would be pretty damn tough.

SENATOR DAVIS: If they made me warden tomorrow, I'd resign.

ASSEMBLYMAN FLOYD: You run for Senator. Everyone thinks you're real good. And if the people make you Senator, you'd probably resign the next day, too. He's already resigned. Anyway, but I think you have to look at that before you can look at, you know, what prerogatives any warden would have, and I don't know exactly what they do have, but it seems to me that things are pretty well centralized in the situation and probably the closest thing to it would be the Federal system, so before you come in with some grand suggestions, make certain you've untied the hands of the guy you're saying, do something. And that's a large part the fault of this Legislature. We come out to these hearings and all, but I've heard too many legislators when they get home and on the stump, you

know, squirrel. That's the name of the game.

ASSEMBLYMAN STIRLING: Dr. Haney, trying to square your testimony with the position of Dr. Robert Carter, who is at the School of Public Administration at the University of Southern California--he was retained to do the evaluation of the Washington State experiment where they dumped out all of their moderate influencing prisoners in their Level 4 prisons and the prisons all went up like a tinder box. I'm trying to understand that fact or his representation with your and the prisoners' testimony that the moderating prisoners ought to be out.

DR. HANEY: Yes. A couple of things. First, I think it depends entirely on how it's done. There are good and bad ways to implement any kind of reform. I don't know for a fact exactly how it was done in Washington State, so I don't want to comment on what they did wrong. But I think clearly any kind of classification would have to be done with a lot of sensitivity. Not just to the nature of the reclassification itself, but also to the way in which the inmates were integrated into the lower level institutions. In addition to that...

ASSEMBLYMAN STIRLING: But it was the maximum security prisons that went up, though. The Feds are having the same problem with their maximum security prison, wherever it's located right now, where they only allow the correctional officers to go into the cells six at a time. And every single time that a correctional officer was left alone with a prisoner, every single time the correctional officer was murdered. It seems like to me the entire advocacy here, the entire trend is to dump people out of Folsom, reduce the overcrowding, but you're going to leave the Level 5 prisoners in effect.

DR. HANEY: Well, you are. Let me talk for a second about Marion because I think Marion is a very important parallel to the kind of approach that's been taken in California. The institution you're talking about in Marion is what is labeled a Level 6 institution, so it's off the scale with respect to California and it's the place to which states send their supposedly recalcitrant state inmates, as well as the hardest core inmates in the Federal system. Marion, several years ago, adopted a policy of control through force and intimidation. In my opinion, they created a set of problems there which are going to be very difficult for them to eradicate. It's a prison which is not overcrowded, but a prison in which most of the inmates spend most of their time locked down without anything to do, with no vocational, educational training, much in the same way that inmates inside Folsom spend most of their time. Except in Folsom, they're also overcrowded. There is no simple, quick, easy, painless solution to that kind of a problem once it's been created. The New Mexico system in which the riot was created was a system that was in the process of erradicating it's overcrowding problem. The problems have a history to them and they continue and persist. You can't snap your fingers and even snap your fingers and uncrowd the prison and make all the problems go away. San Quentin is...

ASSEMBLYMAN STIRLING: No, nobody here is proposing that. The fundamental question was do you or do you not think there is some truth to the moderating influence of the senior prisoners?

DR. HANEY: Absolutely.

ASSEMBLYMAN STIRLING: How does that square with the reclassification or the declassification downward of those self-same prisoners?

DR. HANEY: Well, you do two things when you classify downwards. You send the more stable inmates elsewhere and you improve the conditions at the highest security institutions. You may still have inmates who are going to misbehave, who are going to be disciplinary problems at the highest security institutions, but you have those inmates at institutions which are now better equipped to handle them because they are not forced to, in addition, deal with all of the problems created by overcrowding, the worsening set of conditions which overcrowding imposes over and above the kinds of problems which you have in high security institutions to begin with.

ASSEMBLYMAN STIRLING: Well, I hope to talk with you again sometime soon, because this problem is going to be with us for awhile, but in the meantime, if you could talk to Dr. Carter and get the answer to that, I would be most grateful.

DR. HANEY: I'd be happy to do that.

CHAIRMAN PRESLEY: Thank you very much, Dr. Haney, for taking the time to be here. It's been helpful and I'm sure we'll continue to communicate with you. We're running about 30 minutes behind schedule, but in spite of that, we're going to take a 10-minute stretch and we'll be back in 10 minutes.

(Break)

Mr. Campoy? Is he going to be up here? Mr. Campoy? All right, Mr. McCarthy, why don't you go ahead.

MR. DAN McCARTHY: Dan McCarthy, Director of the California Department of Corrections. There's been testimony given already about the shape that the Department is in and again, I have been with the Department for 36 years and I have to admit that in my 36 years, I have never seen the Department in worse shape either. What has brought this about is another thing that has been dwelled on this morning and that is about overcrowding.

In 1979 we were operating at about 98 percent of design capacity and all of a sudden, since that time to the current time, we have more than doubled our population. Currently, we are up to 46 percent--46,000--and we're operating at about 155 percent of design capacity. Our intake over these past 5 years has fluctuated right around 100 a week net growth. What's even more alarming here since February of this year the intake has taken off again and we're up right now in the neighborhood of 165 net growth per week. For instance, last week we experienced a net growth of 284. The week before that we had a net growth of 234. So there's over 600 people that came in in the last 2 weeks alone, which is more than about 7 the state's total population as far as our concern.

The Department of Corrections is by far, the California Department of Corrections is by far the largest department in the United States, including the Federals and Texas, as was indicated before, that Texas was the largest state. We're currently 6,000 or 7,000 above the State of Texas. Some of our institutions are operating at the 200 percent level of design capacity. Soledad probably is the most overcrowded. That is sitting right around 207 percent right now.

The other indicators that there is no relief in sight is that we have two reception centers where all new cases are processed. The Northern Reception Center in Vacaville and the Southern Reception

Center in Chino, both of them are operated at above 200 percent of design capacity. So needless to say, we have the problems. We're trying to do everything possible to deal with them. Our big emphasis is on our construction program. I have Mr. Blonien here who will be talking about that in a minute so I won't talk about construction at this time.

Instead, I'll turn and give you some of my viewpoints about the violence situation, what's causing it. You know, what is behind it as far as I can see in the Department. Probably the first thing is that the type of people we're receiving from the courts are much more violent than they used to be. Currently, about 60 to 70 percent of our population are sentenced on violent crime. The age factor of the inmates that we're getting has changed. In 1970 it was almost 31 years and right now it's down to 28 years, which is a 3-year reduction right there. These younger inmates are much more violent than the ones that we were experienced together. We're witnessing a new phenomenon. We used to more or less--a lot of the gangs who are referred to as prison gangs--the Black Guerilla Family, the Aryian Brotherhood, the Mexican Mafia--and groups like that all originated way back in the '70's and came into power about that time. What we're witnessing right now, and they've been mentioned a few times here, is a new group out of Los Angeles--the CRIPS--who are causing quite a bit of the problems within our institutions right now.

I made a trip down to Los Angeles to talk to a precinct captain whose district entailed CRIP territory to get some feel to see what they are doing about the CRIPS, how they are dealing with them, and you know, what is the prognosis as far as they're concerned. Well, he indicated to me that he is supposed to be one of the world's foremost experts on the subject. That currently there in Los Angeles there is in the neighborhood of 25,000 CRIPS who are in ages from 12 to 13 up to their early 20's. And he indicated to me that they were causing them more problems than any neighborhood gang that they ever experienced in his years in law enforcement. So, just looking at that group there would indicate to me that our ability to determine all violence has to initiate out of the streets, it has to initiate with people who are young and we're doing something about it.

The California Council of Criminal Justice currently is concerned about this problem. They have just formulated a task force on youth gangs, which I'm a member of, and we'll be looking at the subject over the next 6 months and hope to come up with some recommendations and what we can do about it.

I've already touched upon the overcapacity that leads to some of our violence. Another thing that has been mentioned here is the lack of program and inmate activities and I would be the first one, also, to say that we have problems in this area. We haven't abandoned the rehabilitation goal. We do have vocation programs situated at all of our institutions and we do have academic programs situated in all of our institutions. We have expanded our industry's operation. When I accepted the job as Director I think we had about 2,400 inmates employed in correctional industries. Currently we have about 3,600 in the correctional industries. We have about 3,000 in academic programs. We have another 4,000 in vocational programs. So we haven't completely ignored these programs, however, when you're getting people at the rate we're getting them now, when our new institutions aren't on line yet, however they will be coming on line, there has to be a certain amount of warehousing going

on. I would estimate right now that there's probably 46,000 within the Department, excluding the lockup cases, the hospital cases, the en route cases, the process cases in our reception centers and things of this nature, that we still have maybe 5,000 or 6,000 inmates who we couldn't find assignments for if we wanted to.

The other thing that also causes some of the violence is the influx of intoxicants and stimulants and dope into the institutions. This is a problem. I take exception with Assemblyman Floyd indicating that staff is bringing it in. I think we have outstanding staff, dedicated staff. There have been incidences in which I've taken direct action and people found introducing any of these things into an institution is subject to immediate firing and I have fired them in the past. And if you can bring me any information about anyone who is involved in such activity, I would be more than glad to thoroughly investigate it and take corrective action if necessary.

The other thing that was also mentioned is our longer sentences. The sentences are there and in many instances I think the people of the State of California has brought this about like they have brought about a lot of the other legislation that affects our Department. However, when you look at it all--I was looking at some of the statistics last night. Our commitment rate per 100 for this State runs about 26 out of the 50 states. So, you know, to me, I think we're on the low side.

The other thing that was mentioned that causes some of our violence are the racial tensions, whether they're gang related racial tensions. Whether it boils down--like they indicated here at Folsom--the main stabbings that have taken place here at Folsom, the Mexican Mafia against the CRIPS and the Black Guerilla Family. And it's usually along gang lines. And so whether that's gang related or racially related, as far as I'm concerned, they both go hand in hand. But as I indicated, the gangs are something to be reckoned with in our Department. We have a great concern about them.

We talk about violence today and how we're handling it and how it's been over the years. In my experience we went through our biggest era of violence back in the early '70's. In the early '70's, in 1971 there were 24 people killed within our institution. That included 17 inmates and 7 staff members. That was the highest year ever as far as the deaths of staff is concerned. In 1972 there were 36 people killed; 35 inmates and 1 staff member. In 1973 there were 20; included 1 staff and 19 inmates. These were the years that we had extreme difficulties in controlling the violence within our institution. These were the years that eventually led us to decide to designate Folsom and San Quentin as our maximum security institutions. Since then the deaths, as far as the Department is concerned, the assaults have gone up, however, the deaths in 1983, the 10 deaths we experienced that year which were 10 inmates, were the lowest death toll that we had in 20 years. So, I'm concerned about the violence today. I'm dedicated to do something about it, to control it in one way, shape or form. However, I do feel that in prior years we've had more difficult times than currently.

The other things that's been mentioned that I wanted to touch upon again is overcrowding. I feel this has been brought about by the determinate sentencing initially, and that was followed up by, oh, several other pieces of legislation, such as the Beverly-Bergeson bill and some of these others that have taken things which we have no control over as far as the intake of inmates are concerned. There really wasn't anything done about it until the last 2 or 3 years. Again, I don't want to steal Mr.

Blonien's thunder, but we have last year put over 3,500 beds on line and he will get into the details of that.

The other thing that was mentioned was the classification system and the ability of us to--that we're overclassifying based on offense, namely, murderers, who automatically become Level 4's. This is true and we are in the process of revising the classification manual, but even before that right now, we continually screen the population at both San Quentin and Folsom just looking for people who can possibly be moved down to Level 3 institutions. Currently, we have 3,500 Level 4 inmates being housed in our Level 3 institutions. And that's probably about 50 percent of the total Level 4's. So those people who are staying out of trouble and working and things like that, those are the people who are being rewarded. They're being moved down to lesser level institutions.

We have made recommendations concerning the stabbings and the penalties for stabbings and all the worktime credits as far as the stabbings are concerned. We feel that along these avenues things can be tightened up and these people who are predators and who are moving on one another should be taken care of and they should be isolated and placed in there so those people who really want to get into programs, stay out of trouble. Like they say, the violence rate--when you look at the violence rate. For instance, I just mentioned Soledad which was operating at 207 of design capacity, actually the overall incident rate has remained static over the years, but when you look at it like we usually look at it, how many offenses per 100 in that population, the rate has actually declined over the years since we made the choice of taking people out of there and moving them to San Quentin and Folsom. At that time, by far, Soledad was the most volatile institution that we had in this Department.

So we are taking steps along the line to try to deal with this violence. I'm open for any kind of recommendations that the Board may want to make along this line. I'm not entering this thing with closed ears, with my mind made up that the Department is run the best way possible. Because, again, in my 36 years of experience I've always found that there's better ways of doing anything and you get some of your suggestions from very strange places. With that that's about all I have to say and I'd like to turn it over to Mr. Campoy.

ASSEMBLYMAN FLOYD: Wait a minute--can I...

CHAIRMAN PRESLEY: Mr. Floyd.

MR. McCARTHY: If we're open for discussion, yes, I should and I'll have Mr. Campoy stand up.

CHAIRMAN PRESLEY: Mr. Floyd, I believe has a question.

ASSEMBLYMAN FLOYD: Yes. Mr. McCarthy, I did ask a question about--from Mr. Redd--who stated it was impossible for a prisoner to take an item through the metal detectors and all, and you seemed to--and then I got into something like the other contraband, and you seemed to take it for granted that I was making some sort of a statement. You apparently then know how the contraband comes in, is that right? Because you know how it doesn't, so I assume you know how it gets in?

MR. McCARTHY: Yes, if you're talking about the knives and things of this nature, most of the time you will find that they're of a makeshift nature, they're cut off the springs of their bed, there is stock taken out of industry and things of this nature. As far as the narcotics are concerned, we've been so concerned about narcotics we've just initiated a program at all of our institutions to start

searching visitors and their cars upon entry into the institution with narcotic dogs. Last Sunday we had one at the medical facility at Vacaville and we stopped something like 52-53 cars. Nineteen of them had some type of contraband in there. Six of them had possession of narcotics. There was one person had six balloons of cocaine taped to their private parts. Most of the narcotics and contraband come through our visiting rooms.

ASSEMBLYMAN FLOYD: Comes through your visiting room and passes it on?

MR. McCARTHY: Right.

ASSEMBLYMAN FLOYD: But you've got a way now to stop that?

MR. McCARTHY: Again, we've tried it now at about six or seven different institutions on a random basis. Each one has been successful to the extent of how much contraband they have turned up. But I would never say, hey, we've closed off the pipeline, because as soon as you find one there's going to be another one opened up.

ASSEMBLYMAN FLOYD: I've never sit here and accused it from only coming from one source either, I think...

MR. McCARTHY: No, and I didn't...

ASSEMBLYMAN FLOYD: ...and on the same basis, God damn it, it can come from many sources.

MR. McCARTHY: It sure can and I agree with you wholeheartedly.

ASSEMBLYMAN FLOYD: So please, no more cheap shots.

CHAIRMAN PRESLEY: Mr. Campoy.

MR. JOSEPH CAMPOY: Yes, Senator, I don't know if it's been done or not yet, but I would like to officially welcome you and your Committee to Folsom Prison. I'm sure that should have been done earlier but I'll take this opportunity to do that. Like the Director, I, too, look forward to this hearing hoping that I can learn something that might help me to run a little bit safer institution.

The stabbings that we had are certainly not to my liking and if there can be any satisfaction I'm sure that comes from the fact that since we have inherited the majority of the management problems from the system that that does permit the other institutions that were primarily designed as program institutions to more satisfactorily function as program institutions.

In a few minutes I'm going to ask that a display be brought in that may answer many of the questions that have been alluded to, many of the remarks that have been made in regards to the weapons at Folsom.

Before I do that, I'd like to make a brief comment about the two inmate witnesses, and I do this without apology. Inmate Dacy is doing life without parole for kidnap, which incidentally resulted in harm to the victim. Additionally, Inmate Dacy has three escape attempts since his incarceration, one of which was successful and involved the use of a weapon.

In regards to Inmate Redd, I'll read a portion of a letter that was confiscated from a friend of his, a parolee. And the letter, the part that I'll read, states, "As you can see these racist pigs, Folsom, started a new policy where you must cut the bottom off the pictures now. They won't be satisfied until three or four of these pigs receive a final discharge from here for good. I'm working on

repeating history, so don't be surprised if you hear that Folsom has been overthrown and a few dead. These clowns up here had their run for too long and it has gotten out of hand. Be easy. In my next letter I will send you my wife's phone number. I may need to call and check on for me. Regards enclosed."

Now the analysis by our special services unit indicates, and I'll read it verbatim: "Paul Redd's letter is explicit. He is espousing future violence at Folsom Prison stating that he is working on repeating history. In agent's opinion, Redd's plan includes some form of action involving the Black August Movement. History repeating itself may relate to the San Quentin escape attempt by George Jackson and the subsequent homicide of correctional officers. Special agent advised Floyd Investigators immediately after obtaining letter. Folsom staff responded to the Sacramento Special Securities Office and obtained a copy of same," which is what I'm currently reading. And I think that the testimony from these two inmates ought to be taken at least with this in mind.

Okay, additionally, it will probably come up so I'll speak to it about my television store. Senator, I wish, I wish you could see my television. I can't even watch it. I can't get a picture on it. Now I'm going to read a list, if you'd like, of the businesses that inmates do business with when they want to buy televisions, radios, calculators such as that: Mervyns in Hayward; Royce TV in Orangevale; Record Factory in Citrus Heights; K-Mart, Rancho Cordova; Radio Shack, Fair Oaks; Handley's, Folsom; J K Appliances, Folsom; David's Office Equipment, Sacramento; Radio Shack, Folsom; Reeds Record, Berkeley; Bonney Music, Roseville; Guitar Showcase, San Jose; Montgomery Wards, Citrus Heights; Alex's Sports Shop, Los Gatos; Walking Horse of Napa, Napa; Pioneer Hardware in Folsom.

To my knowledge the only business that we do--there was a mention made that my TV store was located in Rocklin. The last time I went to Rocklin I got lost coming and going. The only business we do with any venture in Rocklin is they collect our garbage.

CHAIRMAN PRESLEY: Do you own a TV store?

MR. CAMPOY: No, sir.

CHAIRMAN PRESLEY: Have you ever owned a TV store?

MR. CAMPOY: No, sir.

CHAIRMAN PRESLEY: Do you have any interest, investment in a TV store?

MR. CAMPOY: I wish I did. I'd buy one, but I don't.

CHAIRMAN PRESLEY: Do you have relatives that have a TV store?

MR. CAMPOY: No, sir.

CHAIRMAN PRESLEY: How does this persist? We heard this--Mr. Redd is under the impression that he has to buy a TV or radio from your, I guess he calls it, your store, or a controlled one vendor store, the implication being that it's something you control. How does that perception exist?

MR. CAMPOY: I have no idea, Senator, but I read you the list. And this is not limited. If somebody finds something, some inmate that he cannot live without, and if he will bring that to our attention by catalogue or whatever, our business office will research that in any way possible he can

buy that item if the vendor will sell it to us under our terms. It's probably going to be a little bit awkward, but I really want...

CHAIRMAN PRESLEY: Before you do that, I believe Ms. Burton has a question.

MS. JEANNETTE BURTON: A couple of questions.

MR. CAMPOY: Yes, ma'am.

MS. BURTON: I want to direct them to you, Mr. Campoy, and also to Mr. McCarthy, either one first, or both. First of all, Mr. McCarthy, I understand you said as you become aware of any staff persons with drugs they're immediately fired, I believe. What is your policy with staff people that live on grounds and their families if there are drugs found among those people? What happens?

MR. McCARTHY: Anybody who is found with drugs on staff grounds is guilty of a felony and would be picked up and be charged.

MS. BURTON: Well, I understand that in the case...

MR. McCARTHY: If you're asking for my policy...

MS. BURTON: ...of one of your sites on grounds of children of a staff person were found to have drugs and nothing was done.

MR. McCARTHY: I'm not aware of the situation.

MS. BURTON: What if a child of staff person was having drugs or said to be selling drugs, then that staff person would be removed from grounds, or would he be fired?

MR. McCARTHY: That would be referred to the local law enforcement agency.

MS. BURTON: Now, Mr. Campoy, I understand that most of the fights and the stabbings have been mostly between the Blacks and Browns, Hispanics and Blacks, is that correct?

MR. CAMPOY: Mostly that's true, ma'am. Yes.

MS. BURTON: Approximately, I think it's what, 2,900, a little more, inmates?

MR. CAMPOY: Right under 3,000. Yes, ma'am.

MS. BURTON: Right under 3,000. There's approximately then 850 officers?

MR. CAMPOY: No, ma'am. Eight hundred and fifty (850) total staff, 550 of which are uniformed persons.

MS. BURTON: Okay. And I think uniformed approximately 70 are women. How many are Black and how many are Hispanic?

MR. CAMPOY: I don't have that exact figure.

MS. BURTON: Okay. I understand it's probably lower than 70 or in that neighborhood of each, somewhere in that category.

MR. CAMPOY: I'd have to accept your word for it. It's researchable and if you'd like, I can get you that information before we leave.

MS. BURTON: I don't know if its Folsom, but I understand at San Quentin there's been a little rifts between the Black and the Hispanic correctional officers. Is that correct? I understand that some reports have come to you that is kind of happening in most of the prisons.

MR. CAMPOY: That's not true, ma'am.

MS. BURTON: Mr. McCarthy?

MR. McCARTHY: That's not true.

MS. BURTON: Okay. Well, I think we'll hear from some representative from the correctional officers.

MR. CAMPOY: I'm not saying that that hasn't happened. I'm saying I have not heard of it.

MS. BURTON: Well, we've been told that this is some of the problems that's happening. With an inmate population like this and you only have maybe, say, 70 Blacks, or your total inmate population, I think it's about 48 percent Black, 40 percent Hispanic. And yet when I look at the backup for your officers I'm looking at maybe 70 Black officers and maybe 50 Hispanic officers. Is there--can there be a direct link which may be to some of these stabbings that are going on between the two groups because of the direct result from the incidents between the two officers having a little rift now between the Hispanics and Blacks and therefore, maybe, you understand what I mean? It's coming down to also...

MR. CAMPOY: I think I understand what you mean, but I can't agree with you and if that's happening, I don't believe it's happening at Folsom. I don't think that our violence is the result of problems between staff members. I'm convinced of that. And it would take quite a bit for me to be convinced otherwise.

MS. BURTON: Okay. I don't mean total violence, but I mean it's some. It could be maybe some direct incident. We've been told that there have been a couple of incidents directly involved because of a little rift between the officers.

MR. CAMPOY: I'm not aware that that's the case. If it were the case, I certainly wouldn't tolerate it.

MS. BURTON: And having an inmate population of 2,920, what are you doing in the area of trying to recruit more Blacks and more Hispanic officers out here when you're looking at your population of being 48 percent, maybe? Well, over half would be a minority population. You're looking at 75 percent minority, yet in staff you may be only having 8 percent minorities.

MR. CAMPOY: We're constantly trying to recruit minorities and all kinds of qualified people. At this time the recruitment program is being handled essentially, not like in years past when each institution was indirectly involved in the recruitment.

MS. BURTON: Those are the only questions I have.

CHAIRMAN PRESLEY: Thank you. Okay, Mr. Campoy, you were going to do what now?

MR. CAMPOY: I have a display of weapons that the panel may find interesting. I'll ask that that be brought in.

CHAIRMAN PRESLEY: Now these, you're saying, for the most part are fashioned inside...

MR. CAMPOY: Yes, sir.

CHAIRMAN PRESLEY: ...from some object?

MR. CAMPOY: Yes, sir. It's going to be a little awkward, but if I can carry the mike with me. These have been more or less arranged according to a pattern. For example, this first group, I think there was one minor misplace and that's this one right here which I think is stainless steel or steel of some type. The balance of them, I'm reasonably sure, are made out of aluminum. Aluminum is quite

easy to fashion into a weapon, into an effective weapon, because it works rather easily. Some of these aluminum weapons will pass undetected through our metal detectors.

We get into this bunch here and these are constructed primarily of plastic products of one type or another. This is plastic, probably combs or plastic mirrors or plastic whatever, tumblers. And these are generally a one-shot deal. Most of them are a one-shot deal. These obviously will go undetected through a metal detector.

This one here, someone made reference to a Keyster(sp?) stash. This one here looks like it was either a Keyster stash or I'm talking about a rectal stash, a body cavity stash. Even a metal weapon, if it's wrapped up pretty good and inserted into an anal cavity, it's almost impossible to detect even with a good metal detector. Metal detectors have not kept pace with other technologies, in my opinion.

These weapons here are either wooden or plastic or a combination of both, and obviously the same is for the melted down ones. They will not show up on a metal detector.

On the bottom we have inmate manufactured spears. As you can see, they are rolled up newspapers, sometimes wet down and allowed to harden and dry to become stiffer, but they're pretty stiff just even when you roll them up tightly.

And on the end, as you can see, is the actual weapon of metal, or in the other case, melted down plastic. This was the type of weapon used to kill the officer at San Quentin a few days ago.

CHAIRMAN PRESLEY: Which one? The one at the bottom?

MR. CAMPOY: Yes, sir, down here. Of this type.

CHAIRMAN PRESLEY: Stabbed through the bars?

MR. CAMPOY: Yes, sir. Stabbed through the bars as the man walks by or he stops or whatever. This is becoming, unfortunately, more and more the method of choice among inmates at San Quentin and also at Folsom.

Over here we have the weapons that are manufactured from various kinds of stock, some issued, some obtained surreptitiously. These top ones are bronze and some of the bronze also will not make the metal detector go off. Some bronze will. This little instrument here, prior to the removal of the other part, was a toilet paper holder in an inmate's cell. Pretty ingenious.

CHAIRMAN PRESLEY: On that metal part there. How'd he get that in there? Where'd that come from? That part right there that you're covering up.

MR. CAMPOY: This part? It's made from round metal stock. As you know, we have numerous maintenance shops. We have license plates factory, furniture factory, and many of these things go hand in hand with the manufacturing.

CHAIRMAN PRESLEY: This is what happens when people work, right?

MR. CAMPOY: This is, unfortunately, one of the things that happens when people work, and some people might think it's paradoxical that we run that kind of an industry with Level 4 violent inmates there. I don't see a real quick change in that, though, and it's not up to me anyway. Back over here we have an array of weapons that were manufactured from things that we almost have to give the inmates. They're made from parts of beds, bedsprings. They're made from pieces that they

rip off of lockers and pieces that they take off of mirrors, stock that's obtained from the shops, all kinds of things.

This particular harvest of weapons is the result of about three months. So, if you want the yearly supply, just multiply this by about four and you'll come pretty close.

CHAIRMAN PRESLEY: How often do you do cell searches?

MR. CAMPOY: We are searching some part of the institution constantly. At this particular time, and following the homicide of an inmate about a week ago, I did order a complete lockdown except for essential services and services that we think have to go on, and we're now in the process of searching the entire institution from one end to the other.

CHAIRMAN PRESLEY: To construct something like that takes a little time. I don't know how often you have the manpower to search, but I guess the more often you search the least likely that these weapons will be developed.

MR. CAMPOY: That's true and we do search as often as we have time and staff. At this particular time because of promises I made, and I'm sure you're aware of it, I wasn't able to pull my visiting people off, we're still having visits and we've curtailed as many of the other activities except essential services to get as much manpower as I can get to get the search over with. Unfortunately, as you can see, these weapons can be duplicated, and as you said, it takes a little time, in some cases not quite as much, but in some it does. And every cell has a built in file in concrete floors, concrete walls, and they use the concrete to grind them down. They don't use anything more sophisticated than that.

CHAIRMAN PRESLEY: How limited are you in your ability to search visitors?

MR. CAMPOY: We can search anybody that comes on prison grounds.

CHAIRMAN PRESLEY: But can you really do a thorough search?

MR. CAMPOY: There is no real way that we can do body cavity searches. It's impossible.

CHAIRMAN PRESLEY: Isn't that the way that a lot of the narcotics comes in?

MR. CAMPOY: I'm sure that's the way a lot of it comes in.

CHAIRMAN PRESLEY: And some weapons could come in that way?

MR. CAMPOY: Some weapons could come in the same manner. I think visitors primarily are bringing in narcotics and cash and I don't really think that, well, as you can see, I would say 100 percent are inmate manufactured. If a visitor brought in a weapon, I think that it would more likely be a jackknife, a Buck knife, which would appear really sophisticated in comparison to some of these. Although some of these are pretty sophisticated.

CHAIRMAN PRESLEY: If you had a suspected visitor that you thought was bringing in something and you had strong reason to believe that, could a cavity search be conducted by a doctor under the law?

MR. CAMPOY: I'm not sure. Our procedure calls for if the visitor refuses the search, he'll turn around and leave and he can't return again that day. He can come back the next day. Our own policy prevents us from forcing a search on visitors. We did have a district attorney in this county at one time who didn't agree with that policy and he said once you make up your mind, search that person no

matter what it takes. Other than for medical reasons, I don't think a doctor would involve himself. If a person said, yeah, I have something in the rectum and I think it's going to hurt me--under those conditions the doctor may be involved. Other than for medical reasons--if I were a doctor I'd seriously doubt whether I'd involve myself other than for lifesaving or health purposes.

CHAIRMAN PRESLEY: So while visiting is absolutely necessary and essential it does compromise to some extent your security?

MR. CAMPOY: To some extent, primarily in my opinion, in regard to narcotics and money which is used for all sorts of purposes in prison as it is out.

CHAIRMAN PRESLEY: Does anybody have any questions on the board?

MR. CAMPOY: As you can see, there are many people who seem to think that if we bring in three or four more metal detectors the problems will be solved. This isn't quite as simple, as you can see. Additionally, a metal detector standing off by itself doesn't do a bit of good. I'm sure everybody is familiar with the security of airports. It takes somebody watching the property that you take out of your pockets. They've got to watch that to make sure that you don't evacuate your pockets full of weapons on the table, and somebody has to watch the property and the machine. It takes about two or three really to conduct a search with a metal detector. Additionally, most of the metal detectors operate on electronic magnets and they are affected by many things. They are affected by temperature, the moisture changes, they're affected by large amounts of movement of steel, and we have a lot of steel doors here, a lot of steel gates, and everytime the steel gates slam shut, it could have some effect on the equipment. And as I indicated earlier quite briefly, they're just not quite as sophisticated as we would like them to be. They're good, they're a good tool, but that's all that's good; it's not always effective. And they don't detect in any way narcotics, just some sort of metal product.

CHAIRMAN PRESLEY: I guess, obviously in your opinion, you think you're doing everything you can to contain this violence.

MR. CAMPOY: I believe I am under the circumstances, and I welcome in every management case that I get a call from other wardens, and the minute I get a call from a warden superintendent that says, hey, we've got a guy here we can't deal with, I say, well, put some wheels under him and send him to Folsom. So we get them from all of the institutions, including San Quentin, which incidentally right now has considerably more violence than Folsom, which I also have to regret. But as I said before, the fact that San Quentin and Folsom take the hardcore management cases, I think it makes it easier for the other institutions to more fully program.

We're doing whatever we can and I'm also considering several things--I'm very seriously considering--the Department does have a conflict assessment team and I'm thinking about bringing them in here and see if they can come up with some answers. And the question of why don't you segregate has come up and I have considered that and I will continue to consider that. I don't really think that's the answer because of the 120 or so assaults that we've had involving weapons, the only two fatalities were white on white and the more recent one was Mexican on Mexican. So if these people don't find somebody of the opposite race to stab and they are of the opinion to stab somebody,

his mind to it, then he'll find somebody of his own race.

CHAIRMAN PRESLEY: What about the suggestion this morning of segregating by gangs?

MR. CAMPOY: We run into court problems there as well.

CHAIRMAN PRESLEY: What do you mean by that? Court problems?

MR. CAMPOY: Well, there are many people that we might feel are gang related or even not members, but if we cannot substantiate with any documentary evidence the facts that will enable us to lock them up, then of course we don't lock them up. We've released many people that are causing many problems just based on that alone.

CHAIRMAN PRESLEY: Mr. Stirling.

ASSEMBLYMAN STIRLING: Mr. Campoy, the allegation is made again and again that top management does not visit the floor and cell blocks. Do you make it a practice to walk throughout your facility just as a management oversight?

MR. CAMPOY: I visit the inside as often as I can and also my chief deputy does the same. Along the same lines, it was remarked that I should sit in on committees. We have two major committees, one being the Disciplinary Committee and the other being the Institutional Classification Committee. They meet twice weekly and those meetings last anywhere from 4 hours to a full day. And I think that if I were to sit on those major committees for any length of time at all, my own opinion is that that would be poor budgeting of my time.

ASSEMBLYMAN STIRLING: Have you considered more budgeting of your time to walk yourself?

MR. CAMPOY: No. I walk the cells a lot but I do not make an effort to see every individual inmate that there is.

ASSEMBLYMAN STIRLING: No, I don't think anybody is suggesting that you should, but you do visit?

MR. CAMPOY: Yes, I do.

ASSEMBLYMAN STIRLING: The other thing that mystifies me, and I frankly recognize that you have a tough job and that anybody who would take the job has taken on a Herculean task. The other thing that mystifies me though is if you have a violence in one yard or one cell block, why is it necessary to shutdown the entire facility?

MR. CAMPOY: We shutdown the entire facility this time because of what I felt was a need for an overall search. What you are suggesting we have done over and over again. We have just restricted the movement of the particular section that was involved. But I think I had to take a different approach following the homicide of an inmate.

ASSEMBLYMAN STIRLING: So you're saying it's not normal to shut, to lockdown the entire facility?

MR. CAMPOY: This entire lockdown, the total lockdown that's going on right now is the first one of this year, sir.

ASSEMBLYMAN STIRLING: Do you collect total lockdown days per year as a management statistic?

MR. CAMPOY: It's available. Yes, sir.

ASSEMBLYMAN STIRLING: When you do lockdown, what happens to the DMV's revenue for all their classy license plates?

MR. CAMPOY: We generally keep a list of inmates that we feel can work in lockdown conditions up there.

ASSEMBLYMAN STIRLING: Do you house them up there on the hill?

MR. CAMPOY: No, sir. We don't have the security to house them up on the hill.

ASSEMBLYMAN STIRLING: Have you considered doing that as they do at Soledad?

MR. CAMPOY: I don't think I can do that with the type of inmates that we have at Folsom. Incidentally, along those lines, at this time I'm advised by my administrative manager that we are current on our orders. We are not lagging and that's in regard to the license plates and to the furniture.

ASSEMBLYMAN STIRLING: Thank you, thank you.

CHAIRMAN PRESLEY: Okay. Mr. Blonien.

MR. ROD BLONIEN: Thank you, Mr. Chairman and members of the Committee. I'm Rod Blonien, Under Secretary of the Youth and Adult Corrections Agency.

First of all, I'd like to respond to a question, provide some additional information to the question asked by Ms. Burton relating to minority employment in the Department of Corrections. The Department of Corrections, according to our latest information, has approximately 23 percent of its employees are Black, 16 percent are Hispanic. This compares with the labor force which is about 7 percent Black, 18 percent Hispanic. With respect to women, I believe we have somewhere between 13 to 15 percent women employees. And that compares with a labor force of 15 percent female. And we're making--targeting recruiting efforts right now to recruit more Hispanics and more women into the Department.

I'd also like you to know that recently the Department received recognition from numerous Hispanic organizations for our efforts within the last year and a half trying to recruit more Hispanic employees. That's in response to that question.

ASSEMBLYMAN STIRLING: Just on that line, Mr. Blonien, do you--I don't know why you got into this as opposed to construction, but do you happen to know what the vacancy factor is for correctional positions now?

MR. BLONIEN: No, I don't.

ASSEMBLYMAN STIRLING: Does anybody know? It's the same question I asked last year. The question arose from the hiring and selection and training process of corrections that I discovered is a problem I've been at several of the facilities, and there was a promise when we had this hearing last year that it would be squared away. Do we know whether we've made substantial progress in making sure that vacancies are filled in a timely manner?

MR. JIM GOMEZ(?): We have reduced this rate significantly, but I can't tell you exactly how much. Our problem still is at San Quentin. Some of that was for many years. San Quentin was the worst in this particular area. The last time I checked, which was about 2 weeks ago, we had all our

positions filled at that time. They had no vacancies.

CHAIRMAN PRESLEY: Mr. Gomez, do you have an answer to that question?

MR. JIM GOMEZ: Our vacancy factor, our turnover rate has gone from about 24 to 14 percent, which is a significant...

ASSEMBLYMAN STIRLING: Systemwide or...

MR. GOMEZ: Systemwide. Quentin and Soledad has gone down, but not as significantly as some of the other institutions. You take a place like Folsom, it probably runs in the neighborhood of 5 percent. I'd also like to note that probably 3 or 4 percent of that turnover rate is positive turnover, that being promotions where correctional officers becomes sergeants, so all turnover is not negative. And I think at the same time, as the Director stated, that we really geared up our hiring program in institutions. For the first time in probably the past 10 years have the staff that they need pretty much when they need them. There is a problem at some places like San Quentin where they have a lot of turnover and they have a younger staff, and they don't have the seasoned staff that a place like Folsom does because of the lesser turnover. But the numbers are coming in good.

ASSEMBLYMAN STIRLING: At the same time the minority-owned newspapers that I'm aware of in San Diego County are not carrying any ads from the Department of Corrections for recruitment and training. So frankly, you say you have a stepped up and selective recruiting process, I have yet to see the results of that on any of my minority organizations in San Diego County.

MR. GOMEZ: We'll take a look. I think we'll do some specific things with recruitment for San Diego. Probably 6 to 9 months prior to the opening of the prison we would do it and I think the Hispanic community would be tremendously focused because it does have a large population.

ASSEMBLYMAN STIRLING: I'll look forward to see where you're placing your ads and when, and it makes a big difference when you haven't placed in the minority papers yet and I frankly don't understand why you don't do it. It's such a logical obvious thing to do.

MR. GOMEZ: I think a lot of them are, Assemblyman Stirling, put in minority papers and we'll get the data...

ASSEMBLYMAN STIRLING: If you'd like to show me a couple of clips from a couple of our papers, I'd be pleased to apologize.

MR. GOMEZ: Okay.

MS. BURTON: ...the figures that you gave me on the labor force, is that also administrative or is that--are we looking at just officers, are you looking at, Mr. Blonien?

MR. BLONIEN: Total?

MS. BURTON: Total. So then my understanding that most of those might be administrative and not so much correctional officers, those minority figures? No. These aren't correctional officers?

MR. BLONIEN: The statistics you have are for the whole Department, but we do not have, say, a great number of minorities in administrative positions and very few minorities in correctional positions. We think it's pretty much even across the board.

MS. BURTON: Yeah. Well, I was more or less looking inside the prison itself, what you have since the population inside the inmates is so high when you're looking at an 80 percent inmate

minority population, whereas you're looking at maybe only a 5 percent.

MR. BLONIEN: Folsom is not a good institution to look at with respect to minority employees in correctional positions because there is such slow turnover at Folsom. This is an institution where people tend to stay and not transfer. It's a desirable location. Since there isn't a turnover we may have a much greater minority concentration at Soledad, San Quentin, some other institution.

MS. BURTON: Would, say, the warden have an influx on, say, with the turnover in whom in his people as to who he would pull in, say, like a prison like Folsom? That wouldn't come down from the Department. Wouldn't the warden have some influx over the personnel that's hired out here?

CHAIRMAN PRESLEY: Mr. Blonien, after you answer that question we really have to get back into the violence. We can talk about personnel practices and hiring another day, but go ahead and respond to that question.

MR. BLONIEN: A lot of it really has to do with collective bargaining. The warden doesn't have a great influence in being able to select someone from an institution to bring him in. Transfers are related to seniority and longevity and things of that nature.

CHAIRMAN PRESLEY: Mr. Floyd has a question.

ASSEMBLYMAN FLOYD: Just once in a while, Mr. Gomez, I think you ought to make a heavier statement in answer to some of the questions of this panel. The advertising in San Diego in minority papers for instance. You don't have any positions at this point in San Diego, is that not true? I mean, you would be running an advertisement in a minority paper in San Diego to fill a position in San Rafael which would probably be a little counterproductive for the salaries that start in this --isn't that pretty much true?

MR. GOMEZ: I'll try and be more strong since you didn't feel I was. We didn't come prepared, quite frankly, for a question on minority hiring in San Diego. If I had known that was the desire of the Committee, I would guarantee you I would have a specific answer. I'd be able to more fully answer it...

ASSEMBLYMAN FLOYD: It's not a desire of me, I understand it right on the face of it.

MR. GOMEZ: ...but I think the point I was trying to make was I don't have that specific answer. I will go back and get it and I will relay it directly to Assemblyman Stirling, I guarantee you that. But I believe that we should be doing open recruitment statewide. The Highway Patrol does it. Other law enforcement agencies have done it. We should be in San Diego whether we're going to build a prison in San Diego or not. We should in addition to focus recruitment for when we are going to have a major hiring in San Diego. But people in San Diego should have the same opportunity for jobs as correctional officers as people in Los Angeles, as people in Eureka, and we should be down there and we should be dealing with minority newspapers as he suggested. And I will come back with an answer directly to him on that question. I didn't come here today with that.

ASSEMBLYMAN FLOYD: Neither did I.

CHAIRMAN PRESLEY: Okay, Mr. Stirling.

ASSEMBLYMAN STIRLING: Well, you know, two points I would like to make. One is I think the Department ought to be able to answer how its doing minority recruiting, whether it's San Diego or

any place else in the State, and whether they don't know whether they are or not, advertising in the leading minority newspapers in the state, I think is an indictment not to just their approach to San Diego, but to statewide. I mean, this is not a trick question. This is the fabric of the recruiting effort in the State, and especially with minority groups. And secondly, I don't think that the issue of minority staff is separate from racial violence and the ability to understand prisoners. The more likely to have a balanced staff, racially balanced, that meets the profile of the inmates, so the better likelihood is that there is going to be good communications, or at least understanding. So I don't think it's a separate issue at all and I resent the implication that I'm just trying to get you to recruit San Diegans or that I'm off target. I think that it's part of the fabric of this discussion.

MR. GOMEZ: I concur, but I think my response was and continues to be, we are advertising in minority papers, we should be doing it significantly. If we are not doing it in San Diego it's a mistake and we'll go back and look at it. But I do know there are specific efforts in minority papers and I'll come back with the data to you.

CHAIRMAN PRESLEY: Okay. Mr. Blonien.

MR. BLONIEN: Thank you, Mr. Chairman and Members. It's been testified here today that overcrowding is one of the chief causes for violence in the institution and we don't quarrel with that at all. And we're very concerned with the level of overcrowding. Last year and the year before we predicted that there would be a net increase in the population of about 100 per week and that remained true until approximately September or October of last year, at which time the population level began to--the net increase per week began to decrease to about 60 or 70 per week. We got to February of this year and all hell broke loose. We began receiving in excess, net increase, of in excess of over 200 per week. And we've had weeks where I believe we had 300, an increase of 300. So if that continues, looking at it on an annualized basis, of virtual increase of 10,000 per year. This last week I think the Director indicated we had an increase of about 230. It was projected that this week we'll have an increase, I think it is, of about 260. And I think it's 2 weeks down the road they're looking at the possibility of about 350. It's extremely difficult to develop a construction program to deal with those numbers. It's difficult enough to try to develop a construction program to deal with the numbers of a hundred a week or even an increase of 70 per week.

Why are we suddenly receiving 200, 250, 270 net increase per week? Part of the answer to that question is the fact that there are 13 counties in the State that are currently under one type of judicial order or another in requiring that the sheriff's empty the jail, reduce the populations in the jail. Los Angeles County, which is our biggest contributor, is under a court order. Orange County is under a court order. Fresno county is under a court order. Sonoma County is under a court order, plus many others. And in Orange County, excuse me, Los Angeles County right now, I believe, they're holding close to 1,500 parolees for the State. And the Board of Prison Terms, at the request of the Sheriff of Los Angeles County, is expediting hearings on the revocation of those parole violators. And when that happens, of course, they're doing that to create more beds for the sheriff who is under pressure from the courts in Los Angeles County. That is going to have an impact upon us because those people are going to be moved from the Los Angeles County jail back to the Department of

Corrections to serve some period of time incarcerated here. That's one of the reasons.

I think another reason is that the judges in those counties are cognizant of the judicial orders and instead of sentencing someone to county jail for 9 months or a year, they're sentencing people to state prison for 16 months, 18 months, or 24 months. So...

CHAIRMAN PRESLEY: What kind, Mr. Blonien, what kind of people would this be? For example, say a judge sentences somebody from 9 months to a year, would that be a low-grade offender?

MR. BLONIEN: Generally they're low-grade felonies. They may be medium-grade type felonies.

CHAIRMAN PRESLEY: Well, on that point then. Is the Administration still opposed to legislation that would authorize the Governor under situations where there's a court order in effect or a national calamity to release some of these non-violent people 60 to 90 days early?

MR. BLONIEN: There has, to my knowledge, been no re-review of the concept of early release since 1983 when we were unable to get the bill out of the Ways and Means Committee. I might say that the Department is going to be going forward in the near future with some recommendations of what we can do to try and create additional housing to house these people, so hopefully we won't get to a point where we have to actually resort to early release.

CHAIRMAN PRESLEY: ...then the position that we're going to build ourselves out of it, but we all know how difficult that is and you're in construction so you know all the roadblocks. That was in Mr. Stirling's committee, by the way, not Ways and Means, where the bill died a violent death.

MR. BLONIEN: I was the Ways and Means rooms, I recall.

CHAIRMAN PRESLEY: It just seems that the Governor ought to have the authority under those two very specific conditions, court orders or national calamities, to release 69 days early some of these non-violent people. I don't have a bill to do that now, but it still seems like a good idea.

MR. BLONIEN: I think, Senator, that's something to consider. Mr. Harding just mentioned to me that that would provide us relief in the Level 1, Level 2 facilities. Again, today we're talking about violence at Folsom and I don't know whether it would have much impact here.

CHAIRMAN PRESLEY: Yes, but in Folsom the percentage of non-violent offenders are how many? Not very many?

MR. BLONIEN: Not very many at all. In fact, I think Mr. Campoy may correct me, but I think approximately--certainly in excess of 90 percent of the people here are probably here for life terms? About 1,500 are doing life terms according to Mr. Campoy's statistics. Up to life.

CHAIRMAN PRESLEY: What are the figures again?

MR. BLONIEN: Approximately 1,500 of the people at Folsom are doing up to life, 30 years to life.

CHAIRMAN PRESLEY: That's 1,500 out of 2,900?

MR. BLONIEN: Yes.

CHAIRMAN PRESLEY: Do you have car thieves and forgers and embezzlers? Those kinds of people here at all?

UNIDENTIFIED: Yes, we do, because they committed a serious offense at another institution or were caught with narcotics or weapons. I seriously doubt that we receive sex offenders, any of those types of people.

CHAIRMAN PRESLEY: I'm sorry, Mr. Blonien.

MR. BLONIEN: That's all right. So, in getting back into the testimony, we're getting more people than we ever anticipated because of pressure at the local level and the tendency of the courts and sheriffs to try and solve their problem which impacts on us.

Additionally, we're experiencing overcrowding because we haven't been able to bring some of the prisons on line as soon as we earlier planned. And a great deal of that is due to problems we've encountered with opposition from local communities, and particularly the environmental impact process. We estimate that we have 6,000 beds under construction, pouring concrete and putting up steel but for the environmental review process.

We take a look at the City of Avenal, for example, where we'd planned to build a 3,000 bed facility. We did the environmental review process with the environmental report at Avenal after being invited by the city council, the board of supervisors, chamber of commerce, the hospital district, community college district, virtually everybody in town. Well, at the last minute we were opposed by a group of nine farmers and they wound up filing a lawsuit contesting the EIR wasn't adequate, trying to get us to move the prison to another location. We went to superior court and the superior court judge heard arguments in the case and decided every issue, every single issue in our favor. And we thought, hallelujah, we're out of the woods and we can get in the ground and get construction started, but the people suing us then appealed to the California Supreme Court. The Supreme Court decided not to hear the case and remanded it to the court of appeal. The court of appeal has set up a briefing schedule which will cause the case to be argued approximately in September. We're hopeful we'll get a decision out of the court maybe as early as the middle of October, first of November. But then, the other side, presuming we're victorious, has the right to appeal to the California Supreme Court. To make a long story short, we feel that litigation will probably tie us up for a year or so.

CHAIRMAN PRESLEY: And this is the community that requested that a prison be built there?

MR. BLONIEN: Requested a prison be built there.

CHAIRMAN PRESLEY: And the capacity is to be what?

MR. BLONIEN: Three thousand (3,000).

CHAIRMAN PRESLEY: So you're sitting home because of all this court process and possibly getting underway 3,000 additional beds?

ASSEMBLYMAN STIRLING: That's the same court system that's requiring us to dump prisoners out because they're overcrowded.

MR. BLONIEN: Correct. So we determined that we can't wait a year. And so we began negotiations with the people that are suing us. The people that are suing us sat down at the table and said we'll drop the lawsuit if you do two things. Number one, if you agree never to take groundwater, to take no groundwater out of the ground. And number two, if you agree to pay our attorney's fees,

which is approximately \$75,000. We thought about that and said, gee, if we take no groundwater we're going to have to redo the EIR because the EIR provides that we'll take groundwater, mix it with effluent from our sewage to grow barley, alfalfa and cotton. And we said, gee, we don't want to get ourselves in the trap that if we settle this lawsuit with you and have you turn around and sue us again. We're going to do the other EIR. So we negotiated with them and asked them if they would indicate that they would not sue us and indicate to the Legislature that they would not object to the supplemental EIR being waived.

And they had a caucus and they came back and said, well, we just had a meeting, a marathon meeting Monday afternoon in Assemblyman Costa's office and said, we'll consider that, but now we want more than just our attorney's fees paid and your agreement not to take any groundwater. We also want you to guarantee a hundred acre feet of water to this one particular plaintiff who's suing us and the State would have to guarantee him that water which would require us to wheel water, take water from elsewhere in the State and ship it to this individual. They also want us to give up our right to eminent domain because they're afraid at sometime in the future the State will move in through condemnation and condemn the groundwater. And we're told by the Attorney General's office that it's impossible for the State to give up its right of condemnation and eminent domain because it's created in the constitution.

We're also requiring that they approve the joint powers agreement between the City of Avenal and the State relating to sewage and water. Before we sign it they have to agree to it and approve it and if there is something that they don't like then we can't agree to it with the City. And there are a couple of other things that they're thinking--well, they also asked us, for example, that the State post a bond of \$20 million so that if we reach any part of the agreement with them that they could have the \$20 million.

And I related the story to a member of the Senate and the member of the Senate said those people sound like terrorists to me, they're holding you hostage. And I don't know that I would quite draw that analogy, but it's not too far wrong. You know, we're put in an impossible situation. We need these beds badly, we could fill them instantly, yet people are holding us with that gun to our head and saying unless you do this you're going to be tied up in litigation for the next year.

CHAIRMAN PRESLEY: Mr. Floyd.

ASSEMBLYMAN FLOYD: Mr. Blonien, when you have this--you brought it up--terrorist group of nine making these outrageous demands. In a terrorist situation we usually find someone who is receptive, these people are receptive to, and someone who can go in, sit down with these nine terrorists and sort of negotiate something else. Don't you know anyone who is close to the growers of this State that could get all the way down from Sacramento to Avenal, and I'm referring to the Governor, and sit down and handle this thing. It's his program. Why don't we suggest to the Governor to go down to sit with his friends and growers and sort of see if he can be an intermediary so we can get started at Avenal. Have you thought of that?

MR. BLONIEN: We have tried to bring in a facilitator or a mediator of that nature. One is Assemblyman Jones who went to high school or college with a number of these people and knows

them quite well. Another is Assemblyman Costa, whom they know, and...

ASSEMBLYMAN FLOYD: The main negotiator would be George Deukmejian.

MR. BLONIEN: I don't know that they people are fans of the Governor. They're quite upset. The prime reason is the fact that we dare think about building a prison in Avenal and I really feel that probably the two assemblymen would do a better job because they're...

ASSEMBLYMAN FLOYD: Well, most assemblymen do a better job. (Laughter.)

MR. BLONIEN: ...better known to the people suing us than would be the Governor. But we're put in the position right now of trying one more negotiation session and if that doesn't work, coming to the Legislature and asking the Legislature to relieve us from any additional requirements under the environmental impact law so that we can get this prison built. We've done the EIR. We've done everything required. It's been tested at the superior court level. We won every inch of it, and it's gotten to the point where negotiations are being just absolutely ridiculous. We need the relief and we've asked the Legislature to give us this extraordinary relief so we can get the prison built.

ASSEMBLYMAN STIRLING: In all fairness, though, the testimony in the Committee on Public Safety elicited, in fact, that the prison is based on overdrafting the groundwater table without any relief of that. And that didn't happen on your watch nor on anyone's watch here at the table, I see. But it does make it a little indefensible to say, yeah, we're going to build a prison in an area that's adversely impacted by water or sewage, for that matter, without any rational answers as to what we're going to do after we overdraft the groundwater table. There should have been a tie-in to a permanent water supply.

MR. BLONIEN: Well, we have it tied to a permanent water supply. The main water, the domestic water for the prison would come from the BLM and their aqueduct. And we would just use a small amount of groundwater to rinse with the effluent for the purposes of agriculture. We've agreed not to take any water, groundwater, and told them absolutely, positively never, ever, ever will we take groundwater. And they said, gee, that's not good enough. We want you to, you know, give us some other things.

ASSEMBLYMAN STIRLING: As I remember, that was not the answer in policy committee. The answer was yes, we're going to order up the groundwater.

MR. BLONIEN: It certainly isn't our position now and it hasn't been for some time.

CHAIRMAN PRESLEY: Well, on the other side of that, presently they're using groundwater to supply that land, aren't they?

MR. BLONIEN: Yes.

CHAIRMAN PRESLEY: It's a, what do you call it? A standwash?

MR. BLONIEN: Yes. Actually, currently the land is being used to grow barley and cotton, cotton being the wet crop that requires water be taken from the ground. We wouldn't have reduced the taking water from the ground by approximately two-thirds. We would have only taken one-third of the water that is currently being taken from the ground. And we're willing to kiss away all the groundwater forever there. We just want to get the prison built and get it moving on down the line. So that's one problem we've got.

We also have environmental impact problems in Ione that I think we're going to work our way out of. We're looking very, very seriously going to Mule Creek, which I think will remove virtually all the opposition from the City of Ione.

CHAIRMAN PRESLEY: At a cost of another \$6 or \$8 million?

MR. BLONIEN: As a cost of another \$6 or \$8 million...

CHAIRMAN PRESLEY: Just to satisfy a few people?

MR. BLONIEN: That's right. And again, it's another situation where we were invited in by the city and the county and they said you all come in and build your prison. And toward the end we ended up being sued and we had to go out and re-do the EIR. We're coming back and we haven't made the final decision, but we're trying our damndest to make Mule Creek work because that will reduce the opposition and hopefully allow us to get the prison built.

CHAIRMAN PRESLEY: You're going through a similar situation in Blythe?

MR. BLONIEN: Again, in Blythe...

CHAIRMAN PRESLEY: Assemblyman Floyd has a question.

ASSEMBLYMAN FLOYD: I guess it's safe to assume that no matter where we go to build a prison, Mr. Blonien, that there's going to be some little group that throws in some kind of a lawsuit.

MR. BLONIEN: Well, Mr. Floyd, I think, perhaps, we've found a place where there is no opposition...

ASSEMBLYMAN FLOYD: Adelanto.

MR. BLONIEN: Corcoran.

ASSEMBLYMAN FLOYD: Want to bet? (Laughter.)

MR. BLONIEN: No, I don't think I'll take that bet, but last week...

ASSEMBLYMAN FLOYD: Let's go to Adelanto and build a damn prison.

MR. BLONIEN: The last--the Corcoran--the Kings County Board of Supervisors voted to support the prison in Corcoran and asked the Legislature to waive the EIR requirement earlier. The Corcoran City Council did the same. That was on Tuesday and on Thursday we were down meeting with officials from Corcoran and Kings County looking at sites and we plan to ask, in fact, we've already asked Senator Presley to amend one of this bills, to provide for the establishment of a California State Prison at Corcoran.

ASSEMBLYMAN FLOYD: Have you talked to the nine growers in Corcoran?

MR. BLONIEN: Well, we've talked to the main growers in Corcoran. They do not object to the prison and we're going to ask the Legislature to waive the EIR requirement and if we do that we believe we can be in the ground early 1986 getting that prison built. We're talking about a 3,000 bed facility.

CHAIRMAN PRESLEY: Okay, Mr. Blonien, I think you could continue to frustrate us here for another hour on all the problems of trying to build prisons, but is there anything else that we can...?

MR. BLONIEN: Yes, I'd like to add two things. We're doing everything we possibly can to bring on California a maximum state prison at Tehachapi early. I think the last report we made to the Legislature indicated that we'd come on in December. We're trying to bring that prison on early.

We're putting pressure on the contractor to do everything he can to make it available earlier, and we're optimistic that we'll get that prison before December, but we can't make a guarantee right now.

We're also trying to bring on a the Level 2 site at Vacaville early. I think that last time we talked we talked about March, and we're trying to bring that on a couple of months early. If we do that, we then get to a point where we bring on Tehachapi early, we bring on the Level 2 site at Vacaville early, then we'll probably go until September, October before we'll have additional relief. And we feel that we have to put together a plan to bring on additional beds in the mid-time of 1986, between February and, let's say, September. And we're looking at various options at this point and we'll be coming to the Joint Committee and asking you to hold a hearing to advise you of some of the thoughts that we have to create what I call instant beds, or things that we could do to bring more beds on line between February and September of '86.

CHAIRMAN PRESLEY: In the Tehachapi there's 1,000 Level 4's, so it will give you some relief for a place like Folsom?

MR. BLONIEN: That's correct. And we're probably going to have to, not immediately, but before too long have to talk about double-celling Tehachapi. First, of course, we need to get our staff acquainted with that facility and make certain that they can handle the regular occupancy before we overcrowd it. But we're probably going to have to overcrowd that facility also.

CHAIRMAN PRESLEY: Okay. Mr. Harding.

MR. GREG HARDING. Yes, I'm Greg Harding, the Deputy Director for Court Compliance for the Department of Corrections. I've been asked to comment on the issue of court litigation and court orders facing the Department of Corrections, not because we consider it contributes to violence in the institutions, but simply because we find that it has resulted in minimizing or reducing the number of options the managers of prisons have in terms of how they can manage inmates.

Prison litigation has obviously been escalating over the last two or three years, primarily as a result of overcrowding and its affect on conditions of confinement. We've lost approximately 2,500 beds as a result of court orders over that period of time. And of course, litigation is going on in prisons and jails as well, and so the level of escalation of intake of inmates into the system as a result of it is impact on field facilities is also affecting the Department.

Currently, there are two major court orders the Department faces that affects Folsom Prison. One directly and one indirectly. The Toussaint vs. McCarthy court injunction, permanent injunction, directly affects Folsom, and the Wilson vs. Deukmejian court order directly affects San Quentin but indirectly affects Folsom Prison as I'll explain a little further a little later. First, I'll address Toussaint and then secondly, the Wilson order. Since you'll start getting some kind of sense for how it limits the manner in which the Department can manage both Level 4 institutions and Folsom Prison specifically.

The Toussaint permanent injunction was issued October of last year. Prior to that there was a preliminary injunction in effect for about a year. The Toussaint injunction prohibits any double-celling in the lockup units in Folsom Prison. It also, again the Toussaint injunction only deals with

lockup for segregated inmates, kind of the worst behavior problems in the Department. It does not deal with general population inmates. The injunction prescribes certain procedures by which the Department can lockup inmates and place inmates in segregated housing. It prescribes certain ways in which you can use confidential information and as the monitor has been dealing with the issue of reviewing release of inmates over the last several months, they've been kind of narrowing what kind, narrowing the field by which we can lockup. For example, gang affiliation solely is not an appropriate criteria.

As a result of the due process and release procedures the court has released currently 11 inmates. The first was a gentlemen by the name of Altamarano, which was appealed all the way to the U.S. Supreme Court, and that inmate has now been released to the general population at San Quentin prison. Last Thursday the court released an additional 10 inmates and the Department is currently reviewing those--I've been told to summarize as much as possible, so I'll run through it. Well, if you wish, Mr. Chairman, I'll dash through it.

CHAIRMAN PRESLEY: Okay.

MR. HARDING: The release of 10 additional--the Department is currently figuring out where to release those and how to proceed. The hearing before the monitor obviously involved a lot of due process which includes attorneys from both sides and hearings at the institutions at both...

CHAIRMAN PRESLEY: I understand now that that's going to be at \$90 an hour, too.

MR. HARDING: \$90 an hour? I haven't...

CHAIRMAN PRESLEY: I think that's what is in the budget. That's an aside, so go ahead.

MR. HARDING: Okay. I'd thought that there'd been no money.

CHAIRMAN PRESLEY: We thought that too.

ASSEMBLYMAN STIRLING: Tell me what a monitor is now? Is it a hall monitor?

MR. HARDING: The monitor is an employee of the court who has the responsibility to review and to monitor the Department's compliance with the court order.

ASSEMBLYMAN STIRLING: An employee of what court?

MR. HARDING: In this instance, it's Robert Reed, an employee of the Federal Court.

ASSEMBLYMAN STIRLING: The Federal District Court?

MR. HARDING: Yes.

ASSEMBLYMAN STIRLING: So, not only do we not have the elected officials of the State of California running this system here, nor its Legislature nor its Governor, nor a Federal judge, but we have an employee of a Federal judge? Not even appointed?

MR. HARDING: Yes. A monitor is an employee of a Federal judge, yes.

ASSEMBLYMAN STIRLING: What are his qualifications, or her? Is it a his or a her?

MR. HARDING: He was a clerk with the court.

ASSEMBLYMAN STIRLING: A clerk?

MR. HARDING: Yes, a law clerk with the court.

ASSEMBLYMAN STIRLING: A law clerk, not even a lawyer?

MR. HARDING: He is a lawyer, yes.

CHAIRMAN PRESLEY: Yes, a lawyer.

MR. HARDING: During the course of the trial he participated during the course of the trial.

ASSEMBLYMAN STIRLING: He participated how?

MR. HARDING: Observing.

ASSEMBLYMAN STIRLING: Observing. Has he had any other qualifications for running a major facility than being a clerk for some judge?

MR. HARDING: No corrections experience that I'm aware of.

ASSEMBLYMAN STIRLING: Well, I think that's an outrage. I think that's a stupid institutional format and it ought to be done away with.

MR. HARDING: Thank you. That's up to the Federal judge. So that's kind of the due process provisions. The injunction also required that we provide work programs and work credits for lockup inmates, in-cell instruction and things such as that so that they could qualify for one-for-one credit as do other inmates.

ASSEMBLYMAN STIRLING: The court ordered that they be given credit for working even though they're in lockup and not working?

MR. HARDING: No, the court ordered the Department to provide programs to eligible inmates in lockups so that they could qualify for one-for-one credit.

ASSEMBLYMAN STIRLING: How do they get into lockups in the first place?

MR. HARDING: Misbehavior...

ASSEMBLYMAN STIRLING: So the court ordered the State of California to provide some program so the guy can get one day off for one day being in there because he's in lockup which he got in there on his own from misbehavior?

MR. HARDING: The court has ordered us to provide work programs for eligible inmates.

ASSEMBLYMAN STIRLING: That's incredible stupidity. This Federal judge ought to be impeached.

MR. HARDING: We're proceeding to implement the court's orders.

UNIDENTIFIED: They've created an incentive for people to misbehave.

MR. HARDING: The injunction also ordered physical access of lockup inmates to law libraries unless the Department makes a specific finding with each individual inmate that it was a security risk for that individual inmate to go to the law library from his cell. The court injunction also requires certain, several physical plant improvements both to Folsom and San Quentin. This included heating ventilation, food services, kitchens, lighting, plumbing, sound-absorbing wall coverings, appropriate showers, fire detection equipment and so forth. The injunction prescribes a specific number of hours per week an inmate shall be exercised, 10 hours per week, a specific number of showers that the inmate shall receive, specific...

ASSEMBLYMAN STIRLING: Mr. Harding, those all sound entirely reasonable to distinguish from his other stupid orders. Why weren't those done on our own, though? Why did we have to wait for some fool Federal judge to enter in?

MR. HARDING: The Department's position all along is we were providing those and on an

adequate basis, but that wasn't accepted by the court. The injunction also provides for in case of a riot or similar emergency, you may suspend certain provisions of the order and there is a preliminary injunction in Toussaint at CTF and DBI, which is in effect, and then we have the permanent injunction, which is at Folsom and San Quentin.

Then we move to the Wilson court order in which was specifically ordered against San Quentin and prohibited double-celling in the general population.

CHAIRMAN PRESLEY: That's a state court?

MR. HARDING: Yes, that's a state court. But it affects Folsom Prison rather directly because obviously if we can't double-cell the general population at San Quentin, there's only one other Level 4 institution for which you can send Level 4 general population inmates and that's Folsom Prison. The court has further created some of our management options, or reduced our management options. Last Friday, the judge in this case said that we could not transfer San Quentin general population to CTF any longer, except for a 30-day kind of interim period.

ASSEMBLYMAN STIRLING: I'm sorry. That was a California court?

MR. HARDING: Yes.

ASSEMBLYMAN STIRLING: California Superior Court?

MR. HARDING: Yes.

ASSEMBLYMAN STIRLING: Which court was it?

MR. HARDING: Judge Savitt in Marin County.

ASSEMBLYMAN STIRLING: Judge Savitt? S-A-V-I-T?

MR. HARDING: S-A-V-I-T-T.

ASSEMBLYMAN STIRLING: In Marin County?

MR. HARDING: Yes.

ASSEMBLYMAN STIRLING: Okay, thank you.

MR. HARDING: The court further ordered we couldn't transfer inmates from San Quentin's general population into Folsom's general population, and...

CHAIRMAN PRESLEY: That would reduce the population at San Quentin by how many--700--as a result of the court order?

MR. HARDING: There's a capacity of 700 general population at San Quentin. We can double-cell as a result of an appellate court stay 123 of those.

CHAIRMAN PRESLEY: So you're not actually complying with that order yet because it's on appeal?

MR. HARDING: We're complying with that order with the exception of the 123 cells, double-cell.

CHAIRMAN PRESLEY: So then if the appellate court upheld it, you're down, you've got to find room for 700 more people somewhere?

MR. HARDING: No, if the appellate court upholds...

CHAIRMAN PRESLEY: The superior court order.

MR. HARDING: ...the superior court order we would have to find cells for another 125, because

we have 125 cells double-celled. The others are single-celled. So as a result of that particular order, obviously most Level 4 general population inmates must come to this institution from the reception center and so forth, because the processing of inmates through San Quentin in terms of the options in which we can send inmates from that particular mainline are very minimal. So our management options are pretty constrained.

So the overall effect of the two orders, while we're definitely not saying in any fashion it contributes to increased violence or anything such as that, it just definitely contributes to the Department's inability to have various options available to it for managing the population if an increase in population starts to occur. The general effects of these orders at Folsom, obviously there is some differential treatment at Folsom Prison for lockup inmates and general population inmates. General population isn't under court order. Lockup inmates are, so you have to treat them in a certain prescribed fashion pursuant to court order which results in obviously some differences and some concern on the part of staff and inmates that have cropped up on occasion and frustrated us in terms of our interaction with the court, obviously.

The conclusion of all of this is obviously there is a new authority in place in the California Correctional system and that's the courts. They seem to be inclined to take action more readily than they have in the past. I think that's a function of primarily the level of overcrowding and conditions of confinement that are resulting from that overcrowding, and prison management for the first time is subject to reversal by, in our instance in the Wilson case, we also have a monitor. By a monitor or through the monitor's recommendations to the court.

There's more litigation ongoing. There's currently a case here at Folsom Prison, the Mackey case, which deals with the general population in the same fashion as the Folsom case dealt with the general population at San Quentin. All in all, our conclusions are that litigation has escalated. We can't see concurrently it reducing until we can deal with the overcrowded conditions and it also has constrained the Department's options for dealing with problem inmates.

I was also prepared to speak for a few minutes on the classification system, if you would.

CHAIRMAN PRESLEY: Let's hold that for later. We've already touched on that a little. We'll hold that for later if we need to. Okay, we're going to break for lunch. Let's see, it's what? Twelve-thirty? Maybe until 1:15? And I understand there's some sack lunches out here, a few of them, that's very similar to what they serve inside, so if you want something better you'll have to go somewhere else. For staff and legislators, okay.

(Lunch Break)

CHAIRMAN PRESLEY: Tom Murton, who has had a number of years experience in prisons in Alaska and Arkansas and other places. He writes, he lectures, he teaches all in the field of corrections, and Mr. Murton, it's a pleasure to welcome you here and at least the weather isn't quite as bad as it is in Arkansas, is it?

MR. TOM MURTON: I haven't been in Arkansas lately, but I imagine that's true.

CHAIRMAN PRESLEY: Okay, please proceed, if you will.

MR. MURTON: It's really difficult to know where to start because--are these working okay?

CHAIRMAN PRESLEY: You may have to pull it up close.

MR. MURTON: I had a brief tour of Folsom and Quentin the last couple of days, and I don't want to be cast in the role as the expert from out of town who has all the solutions and so forth. I've suffered from that myself in the past where people drift through and give an instant analysis and so forth. But I have had a chance to talk to some officers and look at some records and so forth, and it balances with what I've known from previous trips to the institutions here in California and correlate it with what's going on in the rest of the country. And I think what I'd like to do is just offer some impressions or observations because in a couple of days you really can't do a thorough investigation.

I guess it's such a complicated issue that I really think that maybe I should start a little bit with some background to put this in the right context. I mean, the problems isn't knives on a board that are brought out. There are a lot of issues, but I don't see these as the central issues. The display board that we had here this morning for the number of weapons that were reportedly recovered last year, I got that many the first week I was in Arkansas. So I suspect that they're, you know, it does serve a purpose, though.

And I'm a little concerned about the perpetuation about the myth, of what I call a myth, convicts are dangerous, which we chain them up, bring them in here. I mean, here's an inmate who's volunteered to risk some retaliation from the institution to tell you people what he thinks might be helpful and so he has seven guards standing over him and chain him to the floor, practically. I mean, the last thing he's going to do is attack somebody that's here. And then we have the display of the weapons. And every warden does that. I've done it myself. And you convince the media that prisoners are dangerous and we go back to the James Cagney-type thing with sirens wailing and riot in Cell Block 11 and so forth. So, I guess we need to look at this a little bit historically and I want to spend just a couple of minutes on that.

Every effort is a reform effort. Every warden is a reform warden. I mean, nobody gets into office on a non-reform or anti-reform campaign. We have to remember that hanging was a reform. Before hanging they used to run a spear up their gazanski and hang them out in the sun awhile to dry, or they'd flail the flesh off and let the bugs eat them, or they drew and quartered them; let the blood run out and then tie four horses together and tear people apart. So hanging was really a very humane progressive reform movement.

Then the next thing we did was to go into corporal punishment. Corporal punishment was to be used in lieu of hanging. And then about the colonial time here in America, we needed more people to fight the indians and chop cotton, so a lot of the capital punishment offenses were eliminated. So corporal punishment was a reform. Flogging inmates and branding them was a reform. Then the Quakers got together and said, well, that ain't too spiffy. The problem is they committed sins so we'll create monasteries and lock them up in there. And then we got the theocratic model.

The Americans invented the penitentiary as a place to send people. We invented it and so they put people in these monastic cubicles and they never saw another human being. The food was slipped under the door. They never heard the voice of another person and they were there constantly. They

were allowed to have a Bible and some craftwork. The idea was that they should become penitent and make peace with their God and so forth. In other words, there was an equation between sin and crime. The only problem with that was through sensory deprivation which Dr. Haney was talking about earlier, one-third of the inmates went crazy. So you have to decide whether you want crazy Christians or sane criminals. That's what it boils down to.

And it was predictable what would happen and, of course, the Pennsylvania model which was built in 1824 was immediately abandoned. Well, not immediately, but it was now followed by other states. So the people of New York said, hey, that doesn't work too good. The key is the people are slothful. The reason people commit crime is because they're lazy, they don't have good work habits. So they taught them how to make little rocks out of big ones and dig holes and fill them up and that didn't work.

And then in 1870 we had the reformatory movement. The idea was that people commit crime because they lack education. Well, Watergate certainly should have convinced us that there is no correlation between education and crime, it's just more sophisticated crime that you perpetuate.

What happens then is you get these series of movements and the previous movement is never abandoned. We still have the chaplains. I'm not saying that in the negative sense, but we keep the religious programs, we keep the educational programs, vocational training, we keep the hard labor. And none of this seems to be productive in terms of reducing institutional violence or reducing recidivism.

Then we come into the post-World War II era with Ken Scudder and Ray Belknapp and the old-timers who are pretty much all gone now. And Scudder took over Chino after it was already started to be constructed and said, hey, no more walled institutions. So the administration building, those central offices, that was it. Then they went with a fence and so forth. And he had an idea of reformation to getting officers to work with inmates and communicating and so forth. And there was a cadre of people that he trained spread out all over the state. And he wrote a book. I think it was called, Prisoners Are People, or something. An extremely new phenomena because for 150 years we've been trying to convince everybody that prisoners are dangerous, they're the scum of the earth, they're moral paupers, they have no skills, and let's just lock them up to keep the predators away.

The rehabilitation model was based on the medical notion that inmates are sick and that they're psychologically ill and they need to be cured. Fortunately for the case workers, this came at a time when there were sophisticated test measurements which grew out of the World War I, World War II era and were administered and validated on World War II military personnel. Also you had the rise of social work. So consequently, all these factors came together and California became the progressive leader of the new movement--indeterminate sentencing, county probation subsidy, higher qualification for officers, better pay, more morale, training, the whole ball of wax.

And California then spawned a movement which moved back across the country--the penitentiary. That's why it's called a penitentiary because you're supposed to become penitent. The penitentiary went across the county the reformatory movement, and so forth. We got the rehabilitation model, it was created here and moved back across the country, but never did hit a lot

of places. Now we are into Dave Fulwell's justice model, a punitive model, flat time, determinate sentencing, so forth--various names given to it.

I guess what I'm trying to say is we keep struggling to try to find answers and usually what happens is people will come up, I mean, if you look at the literature and if you look at the people, listen to the people speaking in general across the country, they say, well, if you'll give us more money we'll hire more officers to do more things to more inmates. Well that's frightening because if it hasn't worked for 150 years, why keep doing the same kinds of things? As Santayana says, if we don't learn from the past we are condemned to relive it.

There have been some bright spots in the evolution of penology but they haven't been found too frequently, and in most cases they have gone down the tube. So you have a situation where basically, I think, the problem is we have a democratic society in the United States. One thing that all prisoners have in common is that they've acted irresponsibly in terms that they've violated the law. Therefore, even though the prison has several missions--deterrence, incapacitation, punishment, rehabilitation--whatever it is you want to assign to the prison and we've assigned four or five things to do and some of them are mutually exclusive, one of the objectives has been to try and turn people out to be better than when they came in.

Well, in addition to punishment, which prison does automatically, just the confinement is punishment. Aside from that, one of the purposes is to teach these people responsibility. So we take them out of a democratic society where they make a lot of decisions. There's choices on what you wear, what you eat, the jobs you'll apply for, your geographic location. So we send them to prison for re-education. Somebody tells them where to get up, when to get up, when to go to bed, where they'll work, what they'll wear, and until recently, well, recent years, shaved their heads and put numbers on them. In some places they still call them by number. They live in a total autocratic, dictatorial society. Prisons have always been run that way because the early institutions were run by military, I suspect. They've been autocratic authoritarian.

So we take a guy who can't make decisions on the street, we put him in an institution where he makes no decisions and then some caseworker decides he's rehabilitated and they make recommendations and eventually this poor sap gets out and then he can't function on the street. I've known of convicts who'll walk into a restaurant, they get the ten bucks, they get on a bus, they go back home, and they get off the bus and go into a restaurant and a waitress hands them a menu and they're wiped out. What do you mean a choice? What do you mean a choice? The literature is full of all this. This isn't just my opinion. In other words, you don't put a duck in a sandbox to teach him how to swim, yet we take prisoners, we take people who we say are acting irresponsibly, we've put them in a prison where they have no responsibility and when they go out they act irresponsibly again, to a large extent, and then everybody is amazed. I don't understand this concept. People outside of the prison field can understand it quite readily. So this is a basic problem. There have been some efforts to change that which I will come to.

In the process of modernizing and improving the American corrections, one of the things that's happened is we've created departments of corrections. California is one of the first places to do this

and at first blush it seems to make sense. That is, if you have a large number of institutions why not coordinate purchasing and personnel and recruitment and a lot of other things. And it's true that you can purchase things much more reasonably if you're buying in bulk. I have no objection whatsoever to centralized purchasing and standardization and training and all those kinds of things. But while I'm opposed to the old line wardens--we have a new generation of wardens now--but the wardens of the '30's, '40's and '50's, while I object to a lot of things they were doing, you have to give them credit that they had control and they ran the institutions.

What you tend to see in more recent times is with large departments, Illinois was one of the first ones, the warden had to give up autonomy. Power was centralized in a central office and the notion was that if you get the biggest and the brightest and collect them together in one place, someplace remote from the prison, but near air conditioning, somehow these people will come up with some brilliant ideas and things will be expedited. They never read Parkinson's Law because as you--as I was looking at some papers the other day during a period of time recently, the inmate population dropped 2,000 and the staff population went up 8,000. That's not unusual. I've seen it when I was working in Alaska doing some work for the legislature up there. The population decreased 40 percent and the staff went up 400 percent. There's nothing unusual about that. You never abolish a position for staff.

So you see these kind of things evolving and this is kind of a recommendation, which I guess I could save until later but I'll put it in now. I think the wardens should be given the autonomy and the authority to run the institution. I don't care whether it's a good warden or a bad warden. If it's a bad warden, he'll hang himself. As it is now, and incidentally from my cursory inquiry inside here, there's a consensus among staff that the warden doesn't run the institution through no fault of his own, meaning that he has to get permission from CDC to go to the outhouse. I don't know that this is true. I'm just reporting the feelings from inside. Perceptions are what is important. Whether it's true or false is irrelevant from their perspective because they feel lost in the process.

If that's true, then you see you have another problem because you can't run a prison by remote control. The President of the University of California doesn't run the individual campuses. They have chancellors to do that. If you can't find a chancellor to run the campus, fire him. If you can't find a warden that can run the prison, fire him and get somebody else. There's no dearth of applicants of people who think they know how to run one. So you have this remoteness. You have this time factor turnaround. You can't wait for a decision from CDC sometimes to do something, and you find that the warden doesn't set policy in a lot of areas.

Now I'm not suggesting that the people in corrections are evil or ignorant or misguided. I'm not saying that at all. I'm saying that people get caught up. People go into corrections, I believe, for legitimate, worthy reasons. But you get caught up in the same problem that the inmates get caught up in; staff feel alienated. They don't feel that--I'm talking in general--they don't feel the warden addresses their issues. Now I'm dealing specifically. Why can't the staff eat in this institution? Where are all these bright and shiny ACLU attorneys? I mean, if they have to brown bag it or whatever. These people are working 8 hours a day and the staff dining room was abolished 18 months

ago. Why? That's rhetorical. It's the only institution I know of that doesn't feed staff. I mean, how can you go 8 hours a day without feeding? You need a break to get away from the inmates anyway.

So there are some of these specific kinds of things that create problems with staff. Staff feels alienated from wardens. The warden sometimes feels alienated from CDC. You can't find out who's in charge because maybe nobody's really in charge. I mean, you sat here this morning and some information you asked for last year you haven't got yet. Don't feel bad about that. I was in Hawaii and they've been asking for stuff for 5 years and I don't understand why the Senate Finance Committee doesn't say, okay, we'll make a deal with you. You bring us the information and we'll give you a budget. You don't give us the information, you know, take one of them home with you at night. It doesn't work too well. It becomes a bureaucracy. I've been informed that half of the personnel adverse actions in the State of California are for correctional officers. I wonder why?

A warden here, again, I'm only reporting information, I didn't do an investigation, but the impression inside here is you've got the placed locked down, but you've got the tag plant running. I'm told it's a political decision because you've got to get the tags out because they're behind. One reason they may be behind is because, and this is a recommendation, my information is that the Legislature has not put a cut-off date on the old tags. So those people are sitting up there. They're making blue and orange tags, or blue and yellow, whatever it is, and they're making the Minnesota reflective tag. You've got two lines. Well, why doesn't somebody phase out the old ones? I mean, you're the only State in the Union that's got two different set of tags that you're issuing. It's bizarre, I've got to tell you. The Legislature can correct that.

But as the warden indicated this morning, on the surface it does seem a little strange that you've got all these weapons coming in and you've got the prison locked down, but the tag plant is running when you've got a lot of metal stock out there. You're making metal desks and so forth. That's bound to be a source for a lot of the material that's coming inside. He's not going to--I don't know what he believes. He's not going to be able to tell you, but I would guess that if he were given the authority, he'd shut the tag plant down. He's responsible for the institution, not low priorities making license tags. That's a high priority, of course, for politicians and I understand that. But what I'm saying is the warden should be given the authority to run the institution and with that authority comes the responsibility for the way the institution is run. As it is now, the warden can't be held responsible for a lot of things that happen because he can't make those decisions. He's been emasculated. So I think that's maybe something that should be looked at.

This classification system. That's simple. Abolish it. In the old days the wardens used to handle classification. A man named Tim Panny who worked under Garret Hines up in Washington a long time ago built the first reception center, reception guidance center at Olympia in 1961. That gradually moved down the coast and now everybody in the country's got to have a reception center. So you bring all these inmates in there and play with them for 30 days and give them medical examinations and psychological examinations. And I got to tell you in most cases it's useless as tits on a boar, because I've been to Walla Walla, I've been to Olympia and I've stood right there in the reception center and they said our biggest program is the computer data processing out at Walla

Walla. So they said that anybody who is halfway bright and has some skills we transfer them out there for that program because the people who graduate from that really do well.

I go to Walla Walla and said I understand this is a real good program. Yes, everybody that's come through the program has been placed. How many have come through the program? Twenty-two. Well, let's see, yeah, they sent you 300 over the last year. That's not the problem. The problem is that 4 years previously it had been abolished. The reception and guidance center with the professionals, with the MSW's and the PhD.'s were sitting up there classifying people for a program that hadn't existed for 4 years. They're all playing games. Everybody's got a job, but I got to tell you, it's nonproductive. It's counterproductive.

The Warden and the staff can determine where people should be assigned. I'm informed that on the work assignments at this institutions, perhaps others through CDC policy they have to take them off a list which is prepared based upon the entrance at the institution. In other words, if you come in today you go on the list. And tomorrow the next guy comes in, he goes below you. So that the appropriate staff in the institution have to select off of this roster. I mean, civil service is bad enough in terms of complicating things, but whoever heard of a civil service system of getting a job for an inmate? I mean, why not look at the guy and say, well, okay, he looks all right. I'll take this guy over here in the shop and this guy in the tag plant, this guy would make a good cement finisher, whatever. Why not use their skills? That's bizarre. I imagine the warden would object to that if he were allowed to comment on that. So the thing gets very complicated.

It seems I'm talking about good people who try good techniques to get something done but there's no statistical valid basis to indicate it will ever work. Twenty-five years ago California had what was called the BE, the Basic Expectancy score. And they had some voodoo mechanism and they got a bunch of figures and so forth, and what the problem is trying to quantify human behavior. You can't reduce personal factors and psychological factors to a number. And there was Pico and I can't remember all the different systems. I mean, about every two years somebody gets a dissertation on a new topic and they create a new way to evaluate inmates, to classify them, and none of them work. The current one, if I understand it correctly and it's a little unclear in my mind, but if I'm correct to a large extent your points against you are determined by the length of sentence and the type of sentence.

Anybody who has ever worked in a prison over 90 days knows that the easiest prisoner that you've got to work with is the murderer. The easiest prisoner that you have to work with is the long-time offender. You can go to any prison in the United States and find the murderer driving the warden's car or maybe is babysitting the warden's kids. Every warden knows that. Everybody knows that these are crimes of passion. We know from a study by NCCD of over 6,923 people who were convicted of homicide but not executed. Subsequent follow-up on parole we know that less than 1.3 percent ever committed any other crime. They're the least dangerous number of people. Am I saying they shouldn't be in prison? No. They should go to prison for punishment. Are they dangerous? No. You could turn them out, give them probation. If danger is your factor, turn them loose. But you come to an institution you find out, well, ah, so, very dangerous. We'll send them all to Folsom.

What'd he say, 1,500 people here are doing 30 to life--is that the correct figure? So you find that there's a misconception. Press believe that convicts are dangerous. Officers initially believe inmates are dangerous. I'm talking about as a class. There are crazy people in institutions and there are dangerous people there, but I would suggest that that danger probably came from the institutional aspect unless they're psychotic.

So the point is, why worry about their offense or why worry about their street relationship to gangs or whatever? I mean, it's a piece of information but why plug that into the classification system? Anybody who has worked in institutions knows that the way a criminal conducts himself on the street is very rarely correlated with what he does inside. The one example, murder. Murder is a bad crime on the street, they're not going to cause you any problem inside. So I think that this whole classification system is exacerbating the problem and you're getting some wrong kinds of people at these institutions. I would agree with some of the earlier testimony that what you want to do is you've got to have stable population.

One of the mistakes made 20 years ago was creating the Mens' Colony, maybe, in my opinion. I mean, you take these old plodding Neanderthal's out, you put them down someplace else, and I understand why--because they were being exploited--but my information is that the average age here over the last 3 or 4 years dropped from 42 to 24, I think the warden said 28. He probably knows better. But the point is you've got a youthful hostile population. Now there's a problem here though because every time there's a riot or disorder or some difficulty, the warden will come out, or his representative, and say, well, who've we got here is a new breed of inmate. I was talking to some staff last night and they said well, what we've got here is a new breed of staff. All you got to do is read Barnes and Teeters or some of Conrad's work. I mean, they've been saying that for 200 years. I can show you clippings 180 years ago where the warden at Auburn was explaining why he couldn't control inmates because they've got a new breed of inmate. What are they talking about?

You see, they give you some information which sounds plausible, but if you go to all the states and look at all the prisons and talk to people, you see a prisoner is a prisoner is a prisoner. You've seen one prison, you've seen them all. You talk to 10 inmates, you've talked to them all. I mean, I've heard it all before and there's nothing new under the sun except that people try to keep reinventing the wheel. The simplest solutions that are coming out now are ones that were implemented and rejected 150 years ago. One of the discouraging things for me as I travel around is you find that people in Oklahoma, for example, where I live now, have discovered, well did discover 4 years ago,, reception and diagnostic centers. They also--there's some states where they're trying to implement the indeterminate sentence, but 25 years behind. We don't learn from other jurisdictions so I think it would be beneficial if we did learn from history, and I think it's important that we know what goes on in other states.

There have been some examples, not to be too negative, of what does work and it might be inferred from my comments about the dictatorial model that I advocate a more quasi-democratic society, a more appropriate training model. The prison training model that we have in the United States is very effective for Nazi Germany, Salazar's Spain, Peron's Argentina, any tightly autocratic

country. It's very functional. I don't mean that facetiously. I mean, a person coming out of our prison could have adapted very nicely to Nazi Germany because you don't get to make a whole lot of decisions. There are a lot of things happening around the world that are very exciting. Duval Penal Colony. I mean, the Philippines is really not one of the top democratic countries in the world, I guess you could safely say, but the prisoners there can go to the institution. They're given houses to live in. Their families can go with them. If the wives go along they get paid for work. The husband gets paid. You get away from the steel, the bars, and the clanging gates and all this prison paranoia because they don't look like prisons. Off the coast of India there's an island where guys go and they borrow money from the government and they're taught agriculture, most people going back to the farm. And they learn farm management, they learn new farming skills, they learn how to improve the economy of India, and at the end of the year after harvest they pay the government back. They learn something useful in the free world.

In Russia, and listen carefully. I'm not advocating communism. But the old Bolsheval Colony outside of Moscow has, did have 2,000 inmates and 4 staff. So you say, how can they run an institution with 4 staff? Very simple. The basic political unit in Russia is the commune. It's a commune. Of course you can walk off, but if you do you're going to go to the Kara Salt Mines for the rest of your life. So they have conjugal visits, they learn to work in the commune system.

Mexico, which is another one of the jurisdictions which has not been too spiffy in terms of model prisons, had done some interesting things. A few years ago I was down there to look at the prison at Toleco, which is 70 kilometers outside of Mexico City. And the Mexican authorities were concerned about, I think they have 34 states, and they were concerned about the criticism of the quality of their institutions, and rightfully so. And they had a progressive attorney general. They found a progressive warden and they set up this new institution which, at the time I saw it, it had been in operation for 6 years. I went out to look at the thing and they said, we want to know why this institution works? And I said what makes you think it works? And they said because we have documented and we'll make available to you the statistics, which they did, and they said this is a sincere effort on our part to find out what does work. The recidivism rate is 1.78 percent.

Now that's 5 years ago in this hemisphere where we have a place where the recidivism rate is documented to be less than 2 percent. So they've got to be doing something right. They gave carte blanche for us to go in there and find out why. The warden thought it was because he played classical music over the intercom, but he's out to lunch on that. Other people thought it was because of the conjugal visits. They had a lot of Americans in there on dope charges. It was a tight place, but all the prison industries were owned and operated by the inmates. This is in Mexico. They had 23 different industries. One of them was making trash cans. If the mayor of Mexico City wanted to get trash cans, he had to send his representative out and bid on them. They had to buy them. The inmates were the foremen, they were the workers, all kinds of projects there. When they got parolled, they became the outside salesmen. Inmate owned and operated.

Incidentally, I don't care what everybody else says publicly, inmates own and operate all institutions. I mean, no institution could run without the cooperation of the inmates. I'm talking not

necessarily about the physical operation, but they do that. They run the mess hall and they run the clerks, they do clerical functions, they work on everything in the institution. But also if they decide not to work, then of course, the place falls apart. The wardens like to think they're in charge but they're really not. It's a balance of terror between staff and inmates and the inmates agree to let the staff run the institution within certain guidelines and sometimes these are explicit and sometimes they are not. That's what corrupts the officers on the tier. We're going to rattle our cages and flush our commodes if you don't let us have a hustle tonight. So you get all this corruption at the beginning level because they're not backed up and the officer who tries to enforce the rules is going to find himself transferred. Finally wind up in the tower, and from the tower he's fired. So you got this kind of a negative built-in kind of a system which feeds upon itself and creates this alienation and hostility amongst the various groups.

So what I'm suggesting is maybe cooperation. In Mexico you did see this kind of cooperation. I suspect, although we never found out because I couldn't get funding for it. Nobody in America thought it was important to fund us to go down there and find out why they had a recidivism rate of less than 2 percent. I think the reason was because the warden was totally honest and was a bright individual, and had the good sense to admit that he didn't run the institution. He was a very humane, compassionate person. He spoke five different languages. He allowed inmate participation. He allowed inmate involvement in the way the institution was run. There was a satellite institution on the outside of the wall, like a camp, totally inmate- owned and operated, and no staff were allowed there. They organized. They made the rules for the organization. They conducted the shakedowns. They made up their beds. They prepared food and they went on a work release. I mean, somebody would check them once a week to see if anybody had left. So you have an example there.

Las Elvas Madias off the West Coast--a guy loads up his dog and his cat and his wife and his two little kids--if he was a carpenter on the mainland, when he goes out there he's a carpenter. Whatever his trade, is he performs that in this village. It's on an island--no fences, no guns, very few guards. If he doesn't have a trade they say what do you want to be, and they put him to work.

Now I think it's embarrassing to have that come out of Mexico I mean I don't find that personally embarrassing, but as a nation we were always ridiculing, you know, south of the border and tortillas and beans and all that. Why don't we borrow from other people what is working? The argument is that you can't transfer cross culture and there maybe some legitimacy to that in terms of the Scandanavian experiments. But you find in the Scandanavian institutions--the largest institution holds 50 people. The average sentence is 90 days. The inmates own and operate radios, television stations and newspapers--communication. The inmates over there at Denmark couldn't believe that the inmates at Attica were not getting more than one roll of toilet paper every 5 weeks. It would never happen here. If they were here they'd burn it down.

I've had some experience with this myself in terms of building an institution in Alaska, and this correlates with one of the problems I see here in terms of construction. If my information is correct based upon testimony earlier today, we're really--and I want to emphasize this--you know we're fiddling while Rome burns. I mean I'm going to go back to Oklahoma soon, but you folks got to live

with this. If my addition and subtraction and division is correct, using the figure daily intake of 200, are you aware of the fact that in one year you'd need 73,000 more beds? The present bed space that you've authorized in your wisdom in the past, and incidentally I am not opposed--I don't believe in the moratorium--I believe you need to get construction, you need to get these people into adequate housing and so forth. Do you realize that when they get this place built up on the hill which will hold 1,750, that that's an 87-day bit? I mean, in 87 days at the normal intake of this department you're going to fill it. It's not going to take care of overcrowding. You're not going to get these places built. The number of beds that you have authorized thus far could be filled in 180 days. In other words, if they were on-line today, you could fill them in 180 days with no transfers.

I've got so much to talk about I'm getting at different places, but I need to get this to you. Also, you've been an extremely--so what I'm saying is, you've got to get on with it folks--and I want to come back to the construction issue. But if all the bed space that you'd authorized over the last 2 or 3 years existed today, you could fill it in about 4 months, so, there should be a crisis task force here doing something right away.

There's another problem which will exacerbate that and that is you're the only state in the union that I know where 40 square feet's acceptable. In Oklahoma and in several other jurisdictions--well, let's put it this way. The smallest square footage that's been acceptable to a federal court in 22 different jurisdictions where the prisons have been declared unconstitutional is 60 square feet. Some judges have said 70 square feet. I'm talking about single individuals. Sixty to 70 square feet per man. You have cells here and at Quentin that either, depending on who you talk to, are 40 square feet, 41 square feet, or 42. One of these days, some judge in California is going to read a law journal from someplace else and say, hummm..., we've got to be in compliance with the rest of the country. Can you imagine what would happen if some federal judge here in California decides tomorrow that 60 square feet is the minimum and gives you 30 days for compliance? I don't have the information, but I think somebody ought to find out how many 40 square feet cells you've got. Not only that, but double-celling. You've got two inmates in a cell of 40. That's 20 square feet for inmate. What I'm saying is you have problems now, but tomorrow or next week it could be hopeless, if it isn't already. So I think one needs to anticipate that.

Okay, so we got the construction program going. Well, alright, but when are we going to see the buildings? There are some alternatives to this construction program and I'm well aware of the problem with unions, I'm well aware of economics. The comment that--and it's a legitimate one--I can't get a job but this guy who robbed the "7-11" he's going to prison, now he's got a job. There's some legitimacy to all these complaints and I'm not putting them down. I'm saying there may be a way to deal with it. But why don't we look to the past? Up until 1935 nearly every penitentiary in the United States was built by inmate labor. The calvary marched the prisoners from New York out to Kansas, took them about 3 months, and they built Fort Leavenworth Penitentiary which is the largest one in terms of tiers in the United States. And they built the big top, the Federal Penitentiary at Leavenworth, one of the five Federal penitentiaries. Okay, that's why prisons have always been located near quarries because you can build them out of that.

So prisoners have built prisons ever since they've had prisoners. Now why is it in recent years that we've decided that inmates will muck it up? Now for the moment I'm bypassing the union issue and the employment issue. Time after time people have said to me, well, now, inmates can't do that. Why not? The assumption is, has always been, that when an inmate goes to prison first of all he's somehow a moral defective, a moral pauper, he has no skills, he has no humanity, he's a subclass human being, and even if he goes to prison for embezzlement, he's a dangerous sort of a person. So let's just write him off, there's nothing he can do.

When I was in Arkansas I was going to build a chapel. The inmates wanted a chapel. Why not let them decide what they want? I mean, I'll get to that in a minute. We're going to build an institution inside and we're going to build it attached to the main dormitory. And I said you design it, you build it, it's your chapel, I probably won't go to it too often, besides I'll be gone before you ever get it built. So we were going to do it inside. They were drawing up the plans. I tore--I bought two buildings myself for \$1.00 a piece because the state couldn't figure out how to do it, so I bought two power plants, had the inmates take down the bricks, haul them to the institution, and we were going to build it. We were probably going to have to lay out a couple of hundred of dollars for plumbing and wiring that we didn't have. After I got wiped out at the pass--the administration decided not to let the inmates build it and the reason was because you can't trust inmates, they're going to screw it up. So they paid \$90,000 to have this chapel built outside the facility and it's next to the parking lot, so the visitor drives up and he sees the American flag so that we know that justice and law and order are prevailing, and he sees the Christian flag flying over the chapel so we know that God is there too. The only problem was the inmates couldn't attend chapel because it's outside the prison. Isn't that sporting? So they resolved that by building a tower, a gun tower behind the pulpit.

I don't know, I'm just an old country boy. Maybe I don't understand all this stuff, but it seems strange to me. You can use inmates--I came down here--and I haven't seen him today and I'm not sure whether he's here--but I came down here in 1961 from Alaska and the Department of Corrections was very cooperative and I looked at several of your camps. We were in the process of getting--we had statehood and I was in charge of developing the institutional programs, so we'd read somewhere that California had all the knowledge and wisdom in the universe and so we came down here. And I looked at Oregon and Washington, and so forth. Incidentally, California did, and along with other West Coast states, did develop the camp programs and I think they were very good and I think they should be expanded. So I came down and looked at them here and I--in Southern California Paul Morris was assigned to take me around for about a week and was extremely helpful. We looked at it and went back to Alaska and tried to benefit from the way they were run here and made some modifications and did it differently.

At that time you were paying \$500,000 to build a camp and it took you 2 years, the same kind of Mickey Mouse you were talking about this morning--some goat herder wants his own private whatever. So, and I understand the realities of that, but we went back to Alaska and said we're just going to do it. So we went out in the wilderness and my assignment was to build a camp. Now we couldn't find the land. Nobody had found the benchmarks for 52 years. So the director said well,

Tom, it's out there somewhere in that wilderness and he said do you think you could build a camp? And I said under my conditions. And he said what's that? I said authority to hire and fire and to do whatever that's legal. He said you've got it. I can't do it any other way. So I bought a map, a geological survey map, and I bought a compass and that week I found where the 640 acres were. I went to other institutions and recruited inmates and I recruited staff. And I hired staff who had some skills and compassion and integrity. I came down to--our prisoners were outside--I went to McNeil Island and I got a cat skinner and a tile setter and an electrician and brought them to Alaska after classification, and I put them in charge as foremen.

The ACA would be upset about that. You never put one inmate over another. How are they going to learn responsibility? It's not power that's immoral, it's the illegitimate use of power, it's the exploitative use of power. Power exists in all institutions, so let's legitimize it. Put these people in charge. We sat down together and designed the institution, developed it. The new inmates that came in, I said what do you want to be, a bricklayer, a tilesetter or electrician, or do you want to cut firewood? What do you want to do? You've got to do something. Everybody works in my institution. So they'd make a choice and I put the inmates in charge. Sometimes they'd work until two o'clock in the morning. Got the institution built, although there were some problems halfway through--a new commissioner of corrections came in and didn't like the way we were doing it because the state architectural department did not approve of our plans. And I said the reason for that, and I'd gotten permission from the governor, is that the architectural fee exceeds the amount of money given me to build the camp. Incidentally, they gave me \$39,000 the first year. The total amount of money I had was \$78,000. This is in Alaska at the time you were spending a half million for a camp.

We built it for \$78,000 and the state evaluated it at over a half a million dollars. Inmates designed it. Inmates built it. The result for the 2 years that I was there--no escapes, no assaults, no sabotage. These are the indicators of unrest in an institution. How did we handle it? Very simple. New inmates that came in were oriented by the inmate council. The inmates and I would sit down as a council and decide what we were going to do. And what's the point of having an officer orient an inmate? The inmate is going to get his--it's like school. The school counselor tells you what you have to do. You don't pay any attention to that. You talk to your classmates. It's the same with hospitals, same way with prisons. You go through this Mickey Mouse and you say, yes'uh, boss. You go on inside and ask your bunkmate, well, how does this joint really run? That's where you get your orientation. So I had the inmate council orient the prisoners and basically they would say this is our institution. We have a vested interest in this place. You muck it up, we bury you. Don't sabotage the place. Because you see what happens is violence gets turned inward. The reason inmates attack institutions is because it's symbolic of the authority, the repression, the oppression, the criminal justice system. They can't attack the judge so they attack the officer. And by that method we were able to run the thing correctly.

In Arkansas I did some more bizarre things probably, but they work. We had to substitute--somebody after this session is going to say, yeah, well, but this isn't Arkansas--you're right. It's not Alaska, but Arkansas was worse. Don't talk to me about bad prisons. When the governor went down

there to fire the staff before I took over, he and his bodyguard and all the state troopers had to surrender their weapons to the inmate on the front gate. (Laughter.) All the guards in Arkansas are inmates. Like they said to me, well, I said how you tell who's the inmate? He said that's simple. If he's carrying a gun he's an inmate because staff are not allowed to carry weapons. So I had three institutions, 21,000 acres, and they were working out all over the state, and I had 1,500 prisoners and 29 staff. We had the lowest staff-inmate ratio in the United States--1 to 65. You've got 1 to 2.3 and you can't handle it. So we went in there. I had 48 inmate guards. Do I believe that inmates should carry guns? No, but I don't care about these weapons and stuff like that. You go to ACA conferences and they're talking about whether you should have glass pop containers in the visitor room, or whether you should have metal. I spent 6 hours one day just trying to figure out which is the most dangerous. Who cares. I had a prison every day. I had to decide which inmate carries a Thompson submachine gun, a shotgun, a 45-pistol, or a rifle. I mean, if I'm giving men rifles, who cares about pop cans?

I don't believe inmates should carry weapons but I've got to tell you. I've run nine institutions and the Arkansas institution with inmate labor ran more efficiently and more effectively than any place else. There were no strikes by the guards. You didn't have the warden 12 hours a day. They had incentive because their time was cut in half. Officers don't get their time cut in half. They've got to keep doing time. So we tried to change the place around. You put the guys doing long time, the murderers, and put them in the towers. Get the psychopaths out of there. Of course we did the other things like stopping corporal punishment and brutality, torture, and all that routine stuff. But the way we turned it around was you sit down with these people and you say look, this is your institution. Now I'm just passing through. What do you think are the priorities? What's wrong with this rat hole? What do you think should be done to improve it?

In Alaska, something I never thought of. They wanted me to put a red heat lamp on the toilet seat in the outhouse. Well, I wouldn't have thought of that, but it's 25 below up there and creature comforts are the first thing they're concerned about. So we created the council and the council later decided something, which is in violation of all prison regulations, that is the discipline. Inmates figured out a way to discipline their peers. It works with student councils, it works with other organizations. The cardinal rule is you never let one inmate decide discipline for another, but it works. They figured new ways to do things which were effective. Why? Because they were inmates and they knew what was effective for them.

What about classification? Very simple. After we met as a disciplinary committee and shookdown the situation, then we had to have classification. We had to fill all these vacancies that we fired people from. The inmates then decide, and I--I had one vote. They could out-vote me anytime and many times they did. Okay, what you have to do is say okay, I'm the warden but I'm not really in control. I'm not omnipotent. I don't know everything. I was supposed to be some kind of an expert, but I sat down and said look, I'm going to tap your manpower resources. Let's see what we can collectively do. One day I wanted to turn one guy out as a tractor driver and they said, man, are you out to lunch. And I said the guy's been here 2 years, he's clean, he's an older inmate--incidentally I had 14-year old kids there which is another problem--and I said looks good to me. And they said

well, last Sunday his mother came down and informed him his wife's shacking up with his neighbor. Circumstances have changed. Staff never know that. Why is it that we have to believe that there is some difference between inmates and staff? Now there are some basic differences, of course. One of them is carrying a badge and the other is sucking hind tit, as we say in Oklahoma.

The point is there's a study done by some of my psychological friends in Rhode Island about 7 years ago and they ran the MMPI, the Minnesota Multiphasic Inventory Test, on inmates to determine the hostile-aggressive scale and they got a very high reading on it. Somebody said why don't we run this on staff? So they ran it on staff and you took the two overlays, put them together, and they were identical. In other words, the staff and the inmates had exactly the same traits. That's probably a function that the institution is negative towards staff as well as it is inmates. Inmates say you've got to walk--you know, I'm getting out of here in 8 years--you've got to walk those tiers for 25. So these are some of the kinds of things that are happening.

And I'm not suggesting letting the lunatics run the asylum. They run it anyway. Why not--like in Arkansas I said usually when I take over a prison I say my name's Murton, I'm going to run a joint, but I said we have to deal in realities. I had one officer that went, had a psychotic break because he couldn't handle giving inmates guns. You've got to start where you are. The inmates ran all the towers. I had to get permission from them to leave the building or they'd shoot you. They had all the state police radios. I had to get their permission to arm the state troopers. The state trooper detachment was put in charge before I got there. The inmates wouldn't let them carry weapons. Can you believe that? There's a state police force in charge of the prison and the convicts won't let them carry guns. So I got permission from the convicts. I convinced them that the state troopers would have the same job as the inmates. So gradually we went through this.

They had an inmate sheriff. The guy wore a badge, carried a pistol, had a state police radio going around at night while I was asleep. I was there 3 weeks before I found this out. I'm home at night trying to catch some sleep and I was talking to Sam Bolder one day and he said we ought to go back to (inaudible) one day. I said what happened? He said well, the state police shut it down but in the old days I was the sheriff. I said you mean you got busted and came in here? He said no, no. He said I didn't do much on the outside but in here I'm a sheriff. I said what are you talking about? He said I'm the night sheriff. He said I ride around at night and make sure nobody steals our cattle or nobody escapes and nobody attacks the staff. Terrific. Well, I thought it was stupid but 3 weeks later I reinstated it. (Laughter.)

I find, and other people have found this, that inmates--an organism will respond in the way in which it is addressed. If you treat a man or a woman like a dog, they'll respond like a dog. The analogy given you by the inmate this morning--I don't think he stole it from me, but I've been using that for years--if you take a dog and confine it and torture it it's not likely to be a friendly puppy when you turn him back out. So by changing things around you can gradually make some major changes. What I'm talking about is through elected councils, participatory management. Obviously, they can turn the place amuck. But on the other hand, the key ingredient is that they have a vested interest in that warden staying in power. None of this will work unless they see the warden being in

power as to their advantage. And this is why in Arkansas when the inmates were oriented they say don't mess it up. We don't want to go back to the straff and the torture and the needles under the finger nails and the crushed testicles with pliers. So don't mess it up. Let Murton stay here. The guy may be crazy, but you know it's better than it was before. So you have to have vested interest in the warden staying in power.

You will find these people coming forward like "Cool Hand Luke". You can kill them but you can't cure them. "Papillon". "Papillon" sails off into the sunset and he says I'm still here, you bastards. He stands at the well with Dustin Hoffman and Hoffman says I can get you a job up front. Suck up to the man and I can get you a job up here. They're going to kill you. And Steve McQueen says to him in the best line in the movie, "All they can do is kill me, but they own you." You can find people, the rick riders, you can find people in the hole that can come out and work with you. It's a charismatic kind of thing. You find people that are not moral paupers. I've never had a problem with prisoners. It's with staff and governors and people out there mucking up the system. And the problems are not inside the walls. They're out there. And I had some advantages because I didn't have any staff I mean, you didn't have to worry about personnel rules or anything like that. But what I'm saying is you can involve the inmate in the process and things can go awry, but they don't.

One of the inmates, I let her keep her baby on the prison grounds. We had dances. Not for frivolous reasons, but I was trying to resocialize these guys. The real world has boys and girls in it. The prison has single sex. So they wanted to have the women come in so the wives came in. The band played three numbers before anybody could dance. They didn't know how to talk to their own wives. So this went on—I didn't ask anybody's permission, I just did it. If you ask permission you'll never get anything done. So we did it for about 90 days before the press found out about it and they said hey, these guys are going to rape, pillage, murder and rob. And I said isn't it strange? We've been doing it for 90 days and the only thing that happened is the guys are starting to shave, clean up their language and take baths, and talk to people like human beings.

I let the woman keep her baby. It was the first time in 100 years in the United States that a woman has been allowed to keep her baby in the prison. Turned the whole institution around. What's the basic problem with prison? Lack of hope. Staff haven't got any hope. Inmates haven't got any hope. Sometimes wardens don't have any hope, they're just doing time. It's almost like the "Wizard of Oz." You remember? They got this big screen up there and this big god, the wizard is up there issuing all these orders and fire and smoke comes out and thunder and Dorothy and her colleagues are all frightened and the dog, Toto, runs over there and this little screen comes back and you see this guy sitting back there just a mere mortal pulling all these levels. I suspect you don't need a warden in that kind of a system. You can use somebody in the central office to just push a button. You probably could run an institution without a warden if all the decisions are made someplace else. You create the illusion of resident power in a particular position, but if it doesn't exist, then it doesn't exist.

Officers have been ignored in the system and the ACLU and I've done a lot of writing and a lot of other people have about concerns with inmates. That's true. Those are legitimate concerns. What

about staff? I mean, they're ignored. It's very hard to get senior staff to back them up. Give them a rule book, run them through the academy and get on the shift and get on the tier and the sergeant says, well, throw that thing away. This is the way we do it here. This is how you hit them with a club. You know, you corrupt the system. It's just like police work. You have the rookie right along with the sergeant and the system perpetuates itself. That's why when you get a warden that's got 39 years, 8 months, and 25 days in the same rat hole, it's equivalent to a frontal lobotomy because the only room for promotion within the system the way it is is to comply with the system, buy into that whole paranoia, buy into the concept that convicts are dangerous and you create this we-they syndrome. So you've got suspicion and conflict between CDC and warden, between warden and staff, between staff and inmate. Everybody is running around trying to pick out a number trying to figure out who is the enemy. The staff, basically the staff and inmates are not enemies of one another. In a different, bizarre way they are both captives in the same institution. Actually, they may not admit this, but staff and inmates have more in common than staff and the warden have. And they're locked inside. They feel alienated. They feel frustrated. And you get involved in all this Mickey Mouse. That's very difficult.

Now there's another thing I want to throw in here, if I may, and that is there's a--I think in the recitation this morning the gentleman was talking about some of the court problems. I don't know the name of the case but when I was down at Quentin yesterday, you've got a judge that's going to run amuck down there and he issued a ruling, and perhaps you know which case this is that has to do with the property in the cells. And the judge is confused. I guess he's of the opinion that inmates should be allowed to have anything in the cell that they buy in terms of clothing or whatever, that they can have anything in their cell that they steal from the prison, or that somebody brings into them. Now this is absurd. This is only a Marin County ruling. If that goes statewide, you've got problems. I mean, this is ridiculous. The warden should have the authority to decide what should be in the cell and what shouldn't be.

CHAIRMAN PRESLEY: The judge, by the way, is a woman, so give us guys a break.

MR. MURTON: Well, whatever. The point is I think it would be good if somebody took a look at that. I don't know whether it's possible to pass legislation reinstating the authority of the warden to decide what is contraband, but the warden should decide that. It should be subject to review but they're going to hide stuff behind it, they're going to burn themselves, and so forth.

A couple of more comments and then you can have it. I may be crazy, but it works. There are some other historical examples in the English speaking world of participatory management. In Australia between 1840 and 1844 a naval captain was assigned to take over Norfolk Island, Captain Bligh's old prison, and they were hanging one inmate a day--one inmate a week--like they do in Brazil now, just sort of an example. And they used to hang the inmate out in front of the mess hall so the inmates walk by these guys swinging in the wind as they went in to eat. McConnekey found, McConnekey was the warden, he found an inmate chained to a rock in Sidney Harbor. Been there for 2 years. They had him on a chain. The guy had a little shelter and they shoved the food on a flat plate with a pole. The guy was a raving animal. The people were brutal. McConnekey said this is a

hell of a way to run a railroad. So he came up with this bizarre notion that maybe convicts might be people, maybe they have some inalienable rights, and he quit hanging inmates every day. During his period of tenure there were no escapes, no assaults. The only problem he had which could be anticipated is from staff. He developed--he's the father of parole--he developed a progressive stage movement of getting people out into the community. He developed the mark system where they could work off--incentive to work off their incarceration. And to make a long story short, this guy that he took off of the rock when he first came there later became one of the foremen in the institution and regained his sanity.

The important thing is we know from a judicial review 100 years after McConnekey left there that less than 2.3 percent of the inmates who went through McConnekey's system of shared responsibility and so forth, ever was arrested again. Nobody can match that today except this poor guy in Mexico who got fired before we could go back down there and find out why. Thomas Von Osborn in New York, 1914-1915. Mutual Welfare League put inmates in charge as foremen, let them march the inmates back and forth, had inmate monitors. McConnekey in Australia even had an inmate police force. And after he was there for 90 days the inmates said we'd like to get out of this prison for a while. So McConnekey says okay, police yourselves. No escapes, no getting drunk, no violence. He turned the whole prison population out. The guards went to the towers and the agreement was no assaults. You can do whatever you want during the day and when the bugle blows, come back. He had 1,800 convicts. At the end of the day they came back. He even gave them a small rum ration. They came back to the prison. The last convict in locked the gate and through the key up to the guards and the guards came back out of their cells.

Osborn turned the place around. He doubled production, reduced violence, reduced escapes in New York. He got fired. If it works, it won't work. Howard Gill, who is still alive and well, in Massachusetts between 1927 and '34, took prisoners out of a maximum custody prison, put them in minimum custody housing with a mission to build a maximum custody prison. Now that takes skill. Thirty-five walk-aways in 7 years. He had the worst prisoners in the State of Massachusetts. When he put them in charge as foremen, production doubled. No escapes except these walk-aways, no violence, and so forth. It worked for 7 years so they fired him.

There are historical examples of sitting down. Gill used to have town meetings. You've got to have communications. My impression here is that guards are not encouraged to talk to inmates and inmates, in some cases, are not allowed to talk to other inmates and I don't know whether the warden talks to anybody inside or not, but the point is you have to open up communications. I'm not talking about abdication. But what I see here and elsewhere is an abdication of leadership. There's no such thing as a void in an institution. If the warden doesn't make decisions, if staff are not allowed to make decisions, somebody's going to make them. So you're going to have maybe the gang structure come forth. Maybe it's an ethnic group. Whatever it is, somebody is going to make decisions and there cannot be a vacuum. So my concern is that we do something about the construction and you need to open up communications. And I'm not talking about arbitration. I'm talking about recognizing that inmates have power and legitimizing it and getting on with the program.

I have some other things but I think I've probably talked too long, so I'll respond to your questions.

CHAIRMAN PRESLEY: Well, I don't know if I have any questions. You've certainly given us a different perspective. Much of it, I'm sure, could and would be debatable, but certainly you've given us a lot to chew on. Mr. Stirling just thought of a question.

ASSEMBLYMAN STIRLING: Dr. Murton, is there some place in the United States that has a good in-service training mechanism for correctional staffs so they can grow in their educational development throughout their careers? Is there a Presley Institute somewhere in this country?

MR. MURTON: Not that I'm aware of. I think that since the School of Criminology was wiped out that I think there's a real need for that kind of a thing.

ASSEMBLYMAN STIRLING: I was just going to say, should there be and if so, what would it look like?

MR. MURTON: Well I think it should be a criminal justice center where you can mix academia and institutions and both can benefit from the experience like we had before. Staff can go to the institution--well, you can swap--the students can learn from the institutional staff and the students can go to the institution.

ASSEMBLYMAN STIRLING: Is there a reason that training should be done at an academy as opposed to on-line?

MR. MURTON: Well, I think maybe there's some legitimacy for an academy in the sense of getting them to understand the basic things--how to use the security system, what the law is, what the rules are. That's standard everywhere. So I think there's probably some legitimate basis for that because it's going to be the same everywhere you work. You need to know what you can and can't do under existing laws.

ASSEMBLYMAN STIRLING: Is there any reason for it to be a central--for example, California corrections is a very large system. Is there any reason why the larger institutions can't train their own people to their own unique problems, orientation of prisoners, that sort of thing?

MR. MURTON: Are you speaking in lieu of an academy or in addition?

ASSEMBLYMAN STIRLING: In lieu of at the basic level?

MR. MURTON: Well, it depends on the quality of instruction. Like I've said before, an institution can be worse but it can never be better than the warden. And sometimes your on-the-job training is very slim because you've got to get them on the tier right away. So maybe there is some legitimate basis for centralized basic instruction, but if I were the warden, I'd break them into my institution anyway because every institution has some differences.

ASSEMBLYMAN STIRLING: With your corollary that the institution can't be better than the warden, is that the warden can't be better than the legislature allows him to be?

MR. MURTON: Well, yes, but you know it's an interesting phenomena. I mean, the fact that we're here today is a commentary. The reason you're here is because the executive branch is not functioning, and I don't mean, I'm not talking about the governor necessarily. I don't know anything about that. But for some reason there's been a lack of leadership or failure to perform in the

Department of Corrections, and I'm not in a position to place blame, but obviously it's broken so let's fix it. What happens is you see I've never had a--I've run 9 institutions and nobody's ever filed a lawsuit against me. The ACA, they spent 2 days at a convention one time trying to figure out how to get lawyers to represent them. They said hey, these convicts get lawyers. How come we don't get them to defend ourselves? The other day I got up and said I've got a solution. They said what's that? I said why not eliminate those practices for which you can be sued. They ran me out of the room. So the point is, the executive branch fails to function in some way. They've failed to comply with the law or common sense. Inmates file a grievance. These spiffy attorneys run in and grab it and go with it.

So they get down to the judge and the judge says I don't even know where the prison is, even with a road map couldn't find it, but he sits there. So the attorney, whose probably only been to the prison twice, says here's what we need to do. We need a 60-watt bulb instead of a 40-watt bulb. Who cares. So the judge starts getting into the prison situation so the judicial ordered reform then impacts on the warden. The warden then is forced to do some things which the judge doesn't understand. In other words, it's the old domino effect. You can't just do this. Everytime you make any change in the prison you've got to change everything else. So the judiciary is kind of lost and no judge ever goes to a prison. They kind of muck it up for good purpose and then the legislature comes in. The legislature says well, what can we do? I've got to tell you this and I believe I'm right.

Reform of institutions and treating inmates in the proper fashion has nothing to do with law, it has nothing to do with procedures or changing things like that. In Arkansas there was no change in the law but there was a striking difference between my administration and the previous administration. What is needed is integrity and courage. That's what you need. I don't know anyway you can legislate integrity or courage because the system tends to expell people who have integrity or neutralize them in one fashion or another, and the people with courage are going to find themselves in-early retirement. So you're--this shouldn't be your problem, a legislative problem.

I have no recommendations as to what you can do other than try to remove some roadblocks. I've dealt with unions before. I developed a program--Alaska is a high union state--I said look, we can't build it that way. How about your coming in here and setting up some apprentice programs, have your shop steward supervise what we're doing. When these guys come out they'll be able to join your union. I know what the argument is and I think it's legitimate, but what you can do is say do we want to decrease costs by starting the dairy herd again and being self-supporting--I think institutions should be self-supporting--do we want to do that? Or do we want the taxpayers to subsidize a small segment of the private sector? I mean, you've got to sell it to them. Why should you subsidize the poultry industry? Why should you subsidize the milk industry? What I'm saying is you've got a place built out here on this institution back up here for conjugal visits. The first bid was for \$109,000, but there was some problem with affirmative action bidding which was not handled correctly, so they rebid it and built it for \$190,000. I could have built it with inmates for \$40,000, maybe for \$2,000, but you don't utilize inmate skills. I would have gone up here on this hill--it's taken you a year--I could have built the place before now with inmate labor. We've got inmate idleness. We need skills

and we need bedspace. All you've got to do is go to the guy and say hey, you like 40 square feet with this guy that never takes a bath? No? Would you be willing to go out here and build your own institution?

ASSEMBLYMAN STIRLING: There's only two groups opposed to inmate labor and that's management and labor. And the legislature, I think, has to provide some leadership because that's the political equation and those politicians should be over there trying to resolve that rather than letting the staff get hung when they provide that kind of leadership.

ASSEMBLYMAN FLOYD: Us politicians, Larry, not those politicians.

ASSEMBLYMAN STIRLING: Us politicians.

MR. MURTON: Well I think one of the problems--Warden Duffy used to say come look at my prison and when you got through looking at it he'd say okay, don't complain to me. They'd say this is what's wrong with it. They'd say fine, go tell the legislature. Why tell the legislature? That's why we've got an executive branch. I mean, you people should be creating enabling legislation but wardens and comissioners tend to say gee whiz, let's buy some more mace and some more guns and some AR-14's and some more razor wire and we'll just do great things.

ASSEMBLYMAN STIRLING: ACA--The Correctional Association standards--are they relevant to anything other than sound good?

MR. MURTON: Oh, I think a lot of their standards are certainly good as a minimum. They recommend not fire hosing inmates and killing them, and stuff like that, and I think that's a pretty good idea.

ASSEMBLYMAN STIRLING: How about the architectural standards?

MR. MURTON: Well, I guess in general they're probably okay. But I'd rather have an institution--Texas is a doggie-bad prison. I mean they're still building levies down there with shovels and they kill inmates occasionally and they've got inmate corruption and all kinds of things. But they've got, they have their own architectural program and their own building program. Texas is the only place where the wardens and the staff get involved in designing their institution, except for where I've been. But the thing is some architects--I had an architect in Alaska and the committee called me down and said how come you don't want the architect helping you out? I said because he ordered me to install a wall right down through the center where an existing 10,000 gallon water tank was and he designed a stairway that dead-ended at the end of the mess hall. So the commissioner said are you an architect? And I said no. And he said are you a building--do you know anything about construction? And I said well, yes. He said do you carry licensing with any of the trades? And I said no. And he said well, how can you figure this out? I said I'm not a cow but I know what milk is. (Laughter.) It's just common sense. Let the people use common sense. Let the people who have to live in the institution run it. Let a judge come down here and say okay, you're in charge of the adjustment center. We run this the way you want so you show us how it's done, right? Get one of these architects to come in here and figure out why the gates swing the wrong way. Why pay some guy \$1,600,000 to supervise a bunch of other contractors out there?

Before I forget it I'll tell you what I'd like to do. I'd like to apply for the job of these phantom

wardens in California. (Laughter.) That's the best job I've ever heard of. I'd like to be a warden...

ASSEMBLYMAN FLOYD: (Inaudible)

MR. MURTON: Yeah, \$53,000 for just sitting there waiting for somebody to figure it out. I think that there have been pressures on the administration and I think there's been an abdication of leadership. You people should be looking to the people in the corrections to innovate, to come to you and say hey, this is what we're going to do. Instead they sit there with their Ouija Board and wait for the good fairy. You haven't got time, folks. If the judge pulls the plug, you're going to double this prison population in 30 days. What's wrong with tents? What's wrong--why is it every inmate is supposed to be in maximum custody? Outside of California I've never met a warden who said that more than 15 percent of my prisoners need maximum custody. Why do you got to run them through a reception center? I know you got to keep the staff off of welfare, but other than that, what's the point? I mean, why not get them out here building things? Why start people in maximum custody? Jimmy Hoffa started in maximum. Why? He was just a criminal. He wasn't dangerous. And we're concerned about all of these convicts in here who are dangerous. I gotta tell you, these are the unsuccessful ones. The successful ones are out there or maybe here, and they're the ones we should be frightened of. We worry about--these guys are incompetent. I mean, they screwed up the only profession they ever tried, but why not start people out at the camps? At one time you had 3,000 people in camps and I understand you've built it back up now. Why not put more people in minimum custody? Activate the road camps? Build your parks and recreations equipment? Clean up the roadsides?

There's no lack of things that need to be done. You can go to any department in this State and say what jobs do you have, what does the legislature want you to do that you have no appropriated funds for, and he gives you a list of a thousand things. You say well, would you like to have some free labor and the guy says sure. And then as long as they're unappropriated funds, obviously things that wouldn't get done, you're not in competition with private labor there. Like I say, I'm just an old country boy, I don't know.

CHAIRMAN PRESLEY: What states do you think have the best systems?

MR. MURTON: What do you mean, best?

CHAIRMAN PRESLEY: Better than this one.

MR. MURTON: What do you mean? By what criteria?

CHAIRMAN PRESLEY: I don't know. You know and we know the situation here in California.

MR. MURTON: Well, if you're talking about medical care and things like that, I guess the Federal Bureau of Prisons is still probably the best system in terms of providing medical services. I think in terms of less brutality, the Federal system, but the Federal system has a lot of other problems. If you mean in terms of recidivism, it doesn't make any difference.

CHAIRMAN PRESLEY: I think what I would be referring to is administration, overall operations of a prison.

MR. MURTON: You've seen one prison, you've seen them all. I mean, the Federal system transfers everybody around. California is like cancer. I don't mean it quite that way, but the

wardens--you work through the system and then you go some place else, they're all over the United States. Federal wardens. They retire with the Federal system and then go muck up some state. I mean, it's a traditional way of doing things and I'm not being flippant about it all, but prisons are all run the same way. And you find that recidivism rates are about the same if you compare them the same way. Like Dr. Haney says, they manipulate their figures and you don't know whether they're figuring 90 days or 100, or a new felony or reconviction, or whatever. By the way, these PV's, if they're not violent, why not put them in a camp? Go out into the desert. Give them clubs and let them kill jack rabbits. Put a fence around the place. What's wrong with working inmates? Why not let them pay for their crime? Restitution--of course, we haven't even talked about it--is beyond the scope of this work, but the problem is obviously longer sentences because the judges think they're protecting society, and less people released on parole, and this is all predictable. I can't give you another state that's in existence right now that is better, although I would say that Minnesota and Oklahoma have the mechanics of doing things different. They don't, but they can.

In both of those two states prisons are committed to the commissioner personally. Not the department. He can do anything he wants to. He can take a guy with 30 years and put him on work furlough the next day. Oklahoma has a cap law. When the prison population reaches 95 percent of capacity it's mandated by court order that the director notify the governor, that the governor issue an emergency order and the commissioner decides who goes home. And he can release people up to 60 days before their time. He can transfer people to halfway houses, what they call community treatment centers. They've got a house of rest program. That's really strange. I mean, the commissioner can take a guy who is doing life and put him home under house arrest, meaning he can go out during the day but he's not supposed to rape, rob or pillage at night. He stays home. Florida has gone to the monitoring system. They chain your leg with one of these monitoring devices. Other people have suggested that they implant in babies monitoring devices so that if they happen to become criminal later on you can look at your little board and figure out what they're doing wrong and punch them. I mean, those professors are strange people, you know. Even stranger than legislators. (Laughter.)

CHAIRMAN PRESLEY: All right. Thank you very much, Mr. Murton. I think you've given us a different perspective.

MR. MURTON: I want to make one 10-second comment.

CHAIRMAN PRESLEY: All right. Sure.

MR. MURTON: One of the basic problems here is not steel and concrete, it's not weapons. It's the way you deal with other people and treat them like human beings. Hitler found a way out of the morass by scapegoating. He picked the Jews as a scapegoat. Everybody could focus on them. In America we tend to focus on criminals now because of the economic situation. We need somebody to kick. We need a dog and that's why I think you get a lot of this violence inside and what I'm suggesting is in setting a climate whereby instead of people working against each other, they work together. I mean, I even had death row working. I had full assignments for death row. They were integrated into the whole prison population. There are none so blind as those who cannot see, but you

know, I think that if you get people of courage--that's what you need. You need to hire wardens who can do it. Thank you.

CHAIRMAN PRESLEY: We appreciate it very much having you come and join us. Okay, Mr. Marquez, Joe Marquez. Mr. Marquez is the former superintendent of Tehachapi State Prison. Where is he? Mr. Marquez, we appreciate your coming and joining us.

MR. JOE MARQUEZ: Thank you. Well, this is going to be a very hard act to follow behind Mr. Murton. He's done a lot of things. I thought I'd done some wierd things, but he sure taught me.

Well, I was with the Department of Corrections for 36 years. I started in 1948 at Soledad as a correctional officer and went through all the chairs until I became superintendent of Tehachapi in 1978. I was there until 1984, the end of June 1984, at which time I retired.

One of the main things that I'm going to say today is that there are other ways to manage besides manage by intimidation, and I have tried some of those concepts. Some of just a little bit of what Mr. Murton said, but I agree wholeheartedly that unless we start dealing with inmates as people, and also with employees as far as that goes, special rank and file employees, let them know that we care and make a point to learn what their concerns are and try to address them, let them have a part in the decision making and we're going to stay like we are from now on.

I'd like to relate some very minor things that I practiced that may or may not help others. I notice some of my colleagues didn't think it was very smart or very productive, but I found that it paid off for me. And one of the things that I did that I thought paid off in terms of keeping the peace and keeping some semblance of harmony at the place that I worked was that we worked to keep an open communication between the staff and the inmate. And we accomplished that by having meetings in the dormitories with inmates, there were groups of inmates. I'm not talking about an officer or counselor or somebody meeting with groups of inmates, I'm talking about a group of employees from management level on down who would go teach dormitory one hour each week on Wednesday mornings. And we would sit with them and we'd discuss what concerned them and we told them what concerned us. And together we tried to work out solutions to those problems.

Now there are a lot of employees who feel very threatened under conditions like that so you have some resistance from employees, so before anybody tries that you need to work at conditioning them to accept the concept and buying into it so they can participate actively. Anyway, we did this from about mid-1978, shortly after I came to Tehachapi, until about the time the Work Incentive Program came into existence here. At that time I was told from central office that Work Incentive did not provide for that. The inmates had to work all the time.

Well, I argued the point, but I lost. So I had to go to staff and tell them we would no longer be able to do that. So instead of just saying well, forget it, we're not going to try anymore, I got some staff together and asked for some ideas about how to continue to achieve the thing we thought we had going that was productive. So we got some suggestions and what we wound up doing instead was instead of inmates coming out of their jobs to meet with us and so forth, the groups of inmates and the employees that we had together, they would go out into the population, including myself. I had little teams of three or four employees which were a cross-section of the staff. Like I said, starting

with me, I had two or three other people go with me and we'd either go to the dining rooms at noon and share a meal with inmates and chat with them, go around the tables. And we had the crews that would walk down to the yard and mix with inmates, and we had others who would visit the dormitories. So that was successful in keeping the communications open and having well, what I believe, some of the harmony that helped us to keep the place going.

Now I have one example that I can cite and I thought was pretty cute. We had a young inmate that had been there for a while. As a matter of fact, I didn't know him personally. But after he left there, he went to Chino from there, and he wrote me a letter and asked me if I would publish it in our local little inmate paper that we had. He said I have a message for inmates there. He said I want to tell them I'm sorry I left there. I didn't realize how "together" CCI had it. He says since I've arrived here, which is 60 or 90 days which he cited, he said I haven't seen supervisory staff at all. Also, the only person I see is the officer around here let alone any high staff, he says. I was used to going to the yards and so forth and being able to mix with some of the upper staff and letting them know what bugged me and so forth, and they didn't do anything that's helpful and it's unbearable. What he capped it off with was on Wednesdays nobody comes and eats lunch with us around here, which is what we used to do when we used to have that going.

Well, that was one thing. Actually, when you focus on keeping communication open with inmates, normally the staff says wait a minute. You're paying more attention to the inmates than to us. And that happened. And I said well, do you have any suggestions about what I can do. For example, I said I have an open door policy and you can come to see me and share things with me. Of course, I recommend that they not bypass their supervisors when they had some minor problems, but I encouraged them to come and see me if they needed to see me. Well, some did and some didn't, but they still thought that I should be more available. So that made it kind of difficult because employees nowadays they won't stay overtime unless they get time and-a-half, and our budget for a training course didn't stretch that much. So I tried it. I made myself available at the (inaudible) Building for a few weeks. At first it was pretty well attended. Pretty soon it dwindled down to practically nothing. Two or three people would show up and so I stopped. And so I said at least I made an effort to be available.

So we tried something else. When we had an institution--we had institutions with high turnover rates and that was true at Tehachapi, and maybe it still is--why we tried and this wasn't entirely successful because of logistics, but what we did was we took a segment of staff beginning with myself down to the lieutenant, and we counted up all our employees in every section, every employee, and we assigned each, each one of us was assigned, I think it turned out to be 11 or 12 people that we would then, kept us our little caseload. We didn't know what to call ourselves so we called ourselves resource persons. And so I had 11 of those and I used to try to visit them at their area of assignment and I encouraged them to stop by and see me to see how things were going and so forth. And it was odd because some of the employees felt threatened by that. What's that all about? What did I do and that sort of thing. But I think gradually it started working where people understood the intent.

Now I'm saying it did not really work as well as I'd hoped it would because it was very difficult

to visit all the people. For instance, I had people working the first watch which is midnight to eight, and I think on the third watch people in the clerical office and so forth, and while I worked pretty hard at going and seeing some of these people, sometimes I'd get there early to see somebody on the first watch and I'd find that that guy was in the middle of a count or he was doing something else, and really I was kind of impeding what he was doing. So I kind of backed off a bit and said well, why don't you see me on your way out when you have a little time, when you have the need. So I'm sure that other administrators, employees that assign those kinds of things probably found it as difficult as I did to really carry that off.

But I think that the Department or whoever holds the purse strings really needs to examine some of those concepts and try to fund some of that. What we thought we were doing were along the lines of--what do you call those? Circles? Anybody familiar with the concept about quality circles? That's the kind of thing we were trying to emulate. I think that we need to do some of that. I think that the employees need to know that management cares about them and they need to be reassured that people are concerned about their safety and other things like that. Now I think that with the advent of the unions and so forth, that has kind of been overplayed from my point of view at least. I think that as somebody said when we still have so many officers and now we have double that and our problems haven't been ameliorated. So I think we need to look at that and see how effective throwing money at a problem and throwing employees at a problem has proven that many times it doesn't solve it. So we have to look at other things.

But basically what I have found is merely something that I used to do at orientation. A group of new employees would come in and I would talk with them and one of the things I emphasized was if you do nothing else here, I want you to work harder than all of those inmates that you supervise, learn their names, call them by their names, and so forth. If you do that alone, it'll put you up aways in managing that group. If it's a small crew of workers, 12 or 15, that would be simple. But some of the officers would say wait a minute. I have a dormitory or cell block that houses 150. How can I learn that many names? You say it's possible. And they say well, I have a poor memory. Well, my position is that nobody has a poor memory. You have a trained memory or an untrained memory. If you think it's important to manage your people and manage them humanely, you need to do that. It's good business. You can't afford not to. But some people don't believe in that. Some people give it lip service and then they don't do it. I think that probably Mr. Murton may be able to speak to that because I haven't done the traveling he has. But in the experiences I've had, I think that's been true to a good degree.

I think that--I said to begin with that I think there are other ways besides intimidation and I believe that very wholeheartedly. I think that sometimes buying a machine gun and batons and all that thing, that we're going to have the upper hand. Well, I think that history and experience shows that is not true. I can recall when Soledad modified some cell blocks to make them into real close security places. They had more people injured and so forth after that happened than before they did it. So, you know, we had to--I don't disagree, I think external controls are needed. I think the weapons are needed. I feel they should be kept in reserve as a resource. But I think deploying them

to keep those guys intimidated all the time, I think it backfires on us. I think we have to have those resources as a last resort when we find that other things are failing..

I don't know what else I should say except that I would be happy to respond to questions.

CHAIRMAN PRESLEY: It sounds as though you're sort of agreeing with some of the other speakers that you involve more communication with staff, more communication between staff and inmates, that sort of thing.

MR. MARQUEZ: That's absolutely essential if you're going to do anything about what's happening.

CHAIRMAN PRESLEY: Okay. Thank you very much, Mr. Marquez, for coming. Mr. James Austin. Mr. Austin is the Vice President, National Council on Crime and Delinquency in San Francisco, and a researcher on prison problems, of which we have a few.

DR. JAMES AUSTIN: I'm just going to talk briefly because I know the hour is late, and I'm going to talk in particular about two systems that have done something a little bit different than California--just to give you some, because some of the questions that come from the panel here are what strategies are working in other states and what's been tried in other states--and in particular I'm going to talk about the Illinois prison system and a little bit about the Federal system as well.

Illinois is a state that's similar to California in that in 1977 it adopted the determinate sentencing act. It shortly thereafter began experiencing overcrowding and an increase in the violence. The first thing that they did, which was a little bit different than what California did, is that they enacted an early release program and we've just completed the study of that program and it hopefully will be released later this year by the Federal Government. And I raise this because this is key really to the whole problem of violence in any of the major state systems like Texas, like Florida, like New York, like Michigan. If they're overcrowded you're going to have major violence problems in the institutions.

They instituted early release for two reasons. One is they didn't want the courts coming in to tell them how to run their prison system. And the second reason was that they needed time to build their facilities. They have at the same time increased their capacity by about a third over a 4-year period. They used early release only for about a 3½ or 4½ year period. During that time they released about 26,000 inmates early, which is roughly two-thirds of all the inmates who were released early from the Illinois prison system. They were released an average of 90 days early and they had a careful selection process so that only inmates who had good institutional conduct and were not charged with serious crimes were being released early. And in doing that they kept their population flat for about 3½ or 4 years and during that time they got their money from the legislature and began expanding their prison capacity.

The results of that study in a nutshell basically, during the time they were early releasing the crime rate went down for the state as a whole, and the inmates who were early released had lower re-arrest rates than those who were not early released. They were floating about 15 percent of their inmate population via the early release program.

The other thing that Illinois has done differently is really management kinds of strategies in

terms of how they handle their gang problem. They do have a gang problem. They have a large number of inmates who are from the Chicago gangs which are the Black Pistone Nation, the Disciples, the Vice Lords, such are similar in their violence like California's gangs. They also have Hispanic gangs. One of the things they have done is adopted what's called the dispersion approach to handle gang problems. They do not concentrate their gang inmates in one facility, one or two facilities. They have them moving around through various facilities. They have a very careful screening process whereby it's difficult to get in unless you have at least two documented incidents of violence or other information that would indicate that they need to be incarcerated in a special lockdown unit, and there is also a way for them to get out.

They only put inmates in lockup if they've done something. They cannot be put in a lockup situation because you think they're going to do something.

ASSEMBLYMAN STIRLING: Or because somebody else did something?

DR. AUSTIN: Only because they did something. If you're suspected of doing something, you're put in what's called an Ad-Seg unit, which is like pre-trial detention until the investigation is over. If you're found guilty, then you do time for waht you did.

ASSEMBLYMAN STIRLING: You're saying they don't have lockdown?

DR. AUSTIN: They have lockdowns, they have lockdowns, but you're only in that lockdown unit if you did something.

ASSEMBLYMAN STIRLING: So you have to actually be the person who did it as opposed to being part of a cell block where there was a problem?

DR. AUSTIN: Right. The other thing which I think is relevant to what I heard today is that they have a very different management style in terms of interaction with inmates. The director, for example, has his own helicopter and he visits each of the facilities every two to three months. They have an audit system, an audit and investigation unit, which goes in and inspects each facility and prepares a report. They note deficiencies which need to be corrected. Those must be corrected by the time the director appears again. If they're not corrected then that person is demoted or relieved of his duties. So the director visits the facilities regularly. There is also an audit team that visits the facilities regularly.

The wardens themselves must log in how often they spend inside cell blocks. So there must be documentation of that kind of an activity. All which says that there's a lot of movement by upper management through the facilities. They do a lot of what's called innovative--what I call fence testing. They will purposely have an employee acting as a visitor trying to get through security units with weapons to see if it's working or not. In other words, no one knows that the person has a weapon but they'll bring them through and if they discover the weapon, then they know the system's working well. If not, they investigate to see why no one picked up this weapon that came in.

ASSEMBLYMAN STIRLING: Do they do the same thing with drugs?

DR. AUSTIN: Drugs? Right. Anything that is major contraband. They'll do fence testing late at night, any hour of the day. They also have a regularly scheduled warden's meeting where all the wardens attend and the director spends all day with them going over problems, solutions, innovative

ideas. So all of this is kind of examples of a lot of communication. Staff knows that they're being watched, but also that I think that there's a sense there that there's a care at upper management about what's going on at the institutions. It's not--it's highly centralized. It is highly centralized. The director controls a great deal of the movement of inmates and also staff decisions, but he's out there quite often visiting the facilities.

I've talked about smaller units. They also tend in terms of their classification system--I just want to add something about California's classification system, which I disagree strongly with Mr. Murton. California has been the pioneer in classification systems in the country. There is a couple of problems with it which the Department, I know, is making some steps to correct it, and when they make those corrections it will probably be the premiere classification system in the country. Illinois followed the leading of California. They had a system which they found out too late was grouping inmates too much by age and gang affiliation, so they adjusted it. They believe that you must have a good mixture of age, of inmates in the institutions along age, race, and gang membership. They don't like all the young inmates to be at one facility. They don't like to segregate them by race. They try to break it up. The Federal system does the same thing with the exception of Marion. The Federal system has a very active transfer and tracking program, they purposely try to mix their populations according to age and race and gang members. They don't like the gang members being close to each other. They like to keep them moving. They like to keep them out of contact with each other.

ASSEMBLYMAN STIRLING: Are you saying it is a good idea to classify people by the violence of their crime as opposed to their likelihood to be dysfunctional inside a facility?

DR. AUSTIN: The current--we're finding and we're doing the national study classification systems. California is one of the states and what we are finding is that there are two components. One is initial classification. At that point, yes, you need to make a decision based on the offense because there are some types of inmates you don't want ever to be in a lower level security because of the nature of the crime they committed.

ASSEMBLYMAN STIRLING: How about murder one?

DR. AUSTIN: Thereafter--let's take murder one. So murder one might go right into a max or an upper medium, but thereafter classification is dictated almost wholly on in-custody behavior.

ASSEMBLYMAN STIRLING: Conduct.

DR. AUSTIN: Conduct. And the California system does that to a certain extent. They're trying to adjust that, I believe, so it will do it even more. So that's a model approach. Both the Federal system operates that way, the Illinois system operates that way and the California system operates that way to a certain extent. They have had a problem with this prison term which makes it hard for inmates to get out of upper level security even though they're doing well, but they're working on changing that, I know.

So I guess in conclusion about Illinois, I think it's a very unique state. It's similar to California but has gone about it in a different way. The bottom line, though, is overcrowding. You can't do this transfer stuff. You can't move guys around quickly when you don't have beds to put them any place. So if you're overcrowded these approaches won't work very well.

I've got just a couple of comments on some questions I guess were raised earlier, just informational. One was on the recidivism rate of California. If you'll look at the return rate on parole, it's doubled in the last 4 or 5 years. It used to be about 20--some percent inmates were returned to prison within 2 years. Now it's over 45 percent. Most states are not determinate sentencing, contrary to what people say. Most states are still indeterminate sentence. I guess that's basically it.

Again getting back to California's situation, I think the Department with its classification system and with the changes its making is doing the best they can in those terms, but as long as they're overcrowded like they're going to be, I don't see much room for doing anything innovative even if you wanted to. You're going to have to relieve the overcrowding problem before you can do something that is going to reduce the violence in the institutions.

CHAIRMAN PRESLEY: Did that state build some additional prisons?

DR. AUSTIN: Yes...

CHAIRMAN PRESLEY: How many, do you know?

DR. AUSTIN: ...when early release started in 1980 they had a capacity of about 11,000 beds, at least. Now they have a capacity of a little under 18,000. So they brought on line about 6,000 or 7,000 beds. They're projected to go up to about 21,000 or 22,000 by 1994, and they've got plenty of money now to build those beds. They did build beds fast. They have an innovative way of doing it. They have a prototype model. It's a 500-bed facility. They don't like to build facilities over 500 beds.

CHAIRMAN PRESLEY: How about siting problems? Did they have siting problems there?

DR. AUSTIN: They had some siting problems. They have not had the problems you've had.

CHAIRMAN PRESLEY: Do they have all the court problems that we have?

DR. AUSTIN: They don't have court problems because the key to their court problem was by keeping their population low, they kept the courts out. And Governor Thompson will tell you that. His major--he didn't like to release guys early.

CHAIRMAN PRESLEY: You said the crime rate went down...

DR. AUSTIN: The crime rate for the state went down.

CHAIRMAN PRESLEY: ...while the release program was in effect?

DR. AUSTIN: That's, I mean--I just say that to kind of perk people's interest. The reason being quite simply is that the amount of crime committed in state is only by a small percent of inmates being released from prison. We estimated, we looked at the arrest and we also estimated the unreported amount of crime, and our estimates suggest that 1 percent of all the crimes that occurred in the State of Illinois could be attributed to the early release program. So that's how much it might have increased. But at the same time, like across the country, the crime rate is going down. We expect it to continue going down through the decade.

CHAIRMAN PRESLEY: The Michigan early release program. Are you familiar with how that one worked out? Has that been successful?

DR. AUSTIN: It was successful in terms of keeping the prison population down. I'm unaware of any recidivism analysis that was done. It was recently stopped by the governor. So in terms of a

long-term--early release is not a long-term solution to the problems. A long-term solution can only happen through the legislature.

CHAIRMAN PRESLEY: Okay. Thank you very much, Mr. Austin. Mr. Novey?

ASSEMBLYMAN STIRLING: Now don't be shy. Just speak right up.

MR. DON NOVEY: Yes, sir. By the way I'm Don Novey, CCPOA. Just handed the Senator a couple of photos of an inmate that was stabbed to death at Folsom this year and that inmate did die on the scene and I'd like to have that passed around the room. The impact of one of these knives--I know we see these shadowboards of knives all the time, but what these people actually do, the brutality within these gangs, and that is a retaliatory move by the Aryan Brotherhood. By the way, that inmate was operated on by Senator Presley's personal physician. (Laughter.)

CHAIRMAN PRESLEY: I'm going to get a new one.

MR. NOVEY: Well he is aging. Several observations here. Mr. Murton, I'm in agreement with his concept on maybe Mohave. I'd like to put a facility out there and have the inmates chase jack rabbits and beat them to death, and I've definitely got a couple of administrators I'd like to recommend to the Director or Corrections to send out there with them.

Oklahoma, the state he now resides in--their newest facility, I think, burnt to the ground. Illinois, I think, has six maximum security facilities, and California, I think, will be able to ameliorate the movement program here shortly with the new Tehacha-max and Folsom-max--the movement between these four basic sites.

We're seeing a lot of small scale examples today and I've noticed it from all across the nation. I consider this state the innovate package. The gentlemen oa just before me with the classification--California is the innovator there. The Work Incentive Program brought forth by Mr. Stirling's close friend, Terry Goggin and Bill Baker. These things. Prison oversight, that's why you gentlemen are here today, besides Folsom. Prison oversight historically. Russia--they sent them to Siberia. France sent them to Devil's Island. Spain sent them to Africa. England sent them to the Americas, and we threw them out and sent them to Australia. But what do we do in California? We send them to Folsom.

I heard a lot of ideas and a lot of theories today and I considered a lot of this today "baked Alaska." The correctional peace officer is going through a very trying time right now. We're facing what I call tri-polarization and I think a few people lock onto that. You have the management, you have the legislature, and you have the courts all making decisions in how we run these facilities, whether it be inadvertent moves by the Legislature with their Work Incentive Program. The courts by the Wygle-Beverly Savitt decisions, and of course, sometimes the administrators by some of their--and I consider some innane approaches--to good correctional management.

The officer today is whistling through a graveyard and that's what they're doing. They're walking through all these blocks and all these facilities trying to make it through the graveyard, because that's what we've got out there. We've got 45,000 felons crammed into 12 facilities. I think I pointed this out before. The State of New York with 32,000 inmates has 49 facilities and they have double the amount of officers on the line that we have.

CHAIRMAN PRESLEY: Wait a minute. You say that New York has double the number of officers of California?

MR. NOVEY: That's correct.

CHAIRMAN PRESLEY: How many inmates do they have in New York?

MR. NOVEY: Thirty-two thousand and I think the thing that's really holding the lid on California is the quality of the staff that you've got here working on-line throughout the state, and I don't think you're going to get any disagreement on that.

CHAIRMAN PRESLEY: How many correctional officers?

MR. NOVEY: We have approximately 6,000 on the line right now.

CHAIRMAN PRESLEY: Six thousand with 46,000 inmates?

MR. NOVEY: Correct.

CHAIRMAN PRESLEY: New York has 32,000?

MR. NOVEY: With approximately 11,500 officers on the line, excluding supervisory staff. I think there's--I'm going to throw some blend in here which created our problem right now. And basically it started around 1977, 1978 with the SB 42 law, the Determinate Sentencing Law. In other words, let's start locking these suckers up, the public's got a right to have them put away. And then in 1980 the Department of Corrections came up with their classification levels, Level 4. Interacting amongst these two things we had a court decision. A Federal court determined that certain inmates shouldn't be double-celled, certain inmates, as Mr. Stirling alluded to earlier, which he agreed with, you know, we shouldn't violate the 4th and 8th Amendments. They need their showers, they need their bedding, they need their food. I think those are things we all agree on. But what's happened is we have the courts now telling us where we move the inmates, how we move the inmates, what the inmates do, what the inmates don't do. I think Rhodes v. Chapman, the most recent U.S. Supreme Court case, actually stated that the administration runs the facility with an interaction with the legislature. In other words, the legislature sets up the guidelines and lets the darn administrators run the facilities. That's a Supreme Court case. We're not here to create comfort for felons. We're here to protect the public and work with the inmates. Believe it or not, I think we do a good job of that. I've worked part of this facility for a number of years with 288 inmates, most of them murder one, working in the culinary, carrying butcher knives all day long, and they haven't killed me. They might have thought about it, but I didn't have a gun over my head most of the time. It's working with these individuals.

But you've got to remember that these are the preyors of our society. This is the Harvard of the prison system. These aren't the nice guys here. We've got problems. I've come up with a solution, by the way, which I'll give you after the hearing, the infamous Don Novey Summer Solstice Program that I ripped off from England. There was a warden over there that worked a facility not too similar than Folsom and the gangleaders were creating so much violence and havoc on the line they couldn't control the facility. So what he did in the summertime just to get a break, like we should be doing now, he said okay, let all the inmates who do their number, which is about 75 percent of them here, go work the industries, go make them license plates, go work the vocational areas. Get

them up early in the morning, get them off the job about 1 p.m., they've done their day. And in between that, a twist all that while these inmates are out working, we can feed these lechers of our facilities, let them have their recreation. Put them back in their drum by one o'clock and then let these other individuals go back to their cells or go to their canteen, go to their visits, visit their counselor, their loved-ones, or whatever. I mean these are some of the varied programs we can come up with. And that didn't come from California. It came from some other place in the world.

The Work Incentive Program has been an abysmal failure basically because of the gangs. I think it's a good concept. It's a concept that should work in this state. You have the interactions. I know Mr. Floyd probably has some trepidations in this area with labor. And darn it. That's not on the officers on the line or the administrators. That's on the legislature to work it out with the labor leaders. It's a tough road to haul. It just isn't the executive branch.

Forty-seven states right now are all facing overcrowding. We all know that. This is probably the most exciting period in the history of corrections in this nation, if not the world. We lock up people in this country left and right, but the interesting thing is we guarantee everybody their constitutional rights. This isn't South Africa or anything like that. We do give people their rights before they're incarcerated and 70-some odd percent of the people coming into our prisons today are in for violent crimes. I think in the late '60's it was 40-odd percent. Things have changed. These people have changed inside here. California's a weird bird and I think we have people coming from all over the nation trying to get an interpretation of what's going on out there. We're just holding the line with a very unique society. And we've got a sub-culture in there of 45,000 felons, a city of 45,000 that we're trying to hold the line on and it's very difficult.

I went over some court cases here recently. Inmates, and I think Mr. Murton pointed out, are suing over their property. They want more property. They're suing the officers in Oregon because an officer hit an inmate with a club or an inmate was shot. This inmate was supposedly a peacemaker in a riot. I've never seen any inmate as a peacemaker in the middle of a riot. At anyone of our correctional facilities if an inmate's in the middle of a riot, he better be sitting down or getting himself out of the way. And then we had the classic case in Wisconsin where the judge said it was okay for the officer to have sex with an inmate. I mean, I thought that was real classic. And then we had the inmate here that was upset and filed a court case because his investment portfolio was restricted by us, you know, the administration. At Soledad alone so far this year, I think up until April 1, there's been 202 court cases filed by inmates. These administrators across the state are being inundated by this right the inmates have.

We've got problems with these little things. We can't get the officers up here to shakedown in the tiers, we're administering court orders all over the darn state. We've got a difficult time maintaining the line and I don't know how else to put it. I think our managers need a little bit higher visibility on-line. I think the superintendents and wardens should be out there more amongst staff right now, especially during our next nine most critical months. Double-celling. I think it shouldn't be restricted to the general populace inmates, the inmates out there doing their number. I think the inmates, the violent inmates should be double-celled, the convicted felons that are convicted felons

with our little society here. The killers, the preyors of our sub-culture here are given single-cell status. Of the 115 or 116 stabbings this year, I daresay a lot of them were so the guy could get a single-cell. And what do they care. There's only what? Twelve-hundred murderers here. They've got a single cell the rest of their life. They've got it made. But the court says you've got to guarantee them that. They're in segregation. That's baloney. And the inmates are out here working, taking care of the people of California with the license plates and the furniture making for the State. They have to be slammed into these cells, double-cells. And Mr. Murton's right. This 40 square feet is really terrible, but we're trying to make best we can in California and I think with Bob Presley's leadership we've expanded, I think, cell space for all new facilities in California, including the max, the ones that are 80 square feet.

What is the Legislature going to do? What do you have to do? I've got some real weird suggestions here that just might not fit in. Number one, I don't think the officers are paid enough and of course, as a union leader I guess I'm expected to say that. A plumber working in one of our units makes \$3,150 a month. And the lieutenant administering that unit of say 600 or 700 inmates is paid \$2,900. We've got a problem here. Now that plumber goes everywhere in the unit but he has two officers escorting him and/or she.

I think there's a lack of training and I think Senator Presley's addressed this issue. I think we need a couple of more weeks of training within our system. I think you ought to take a good hard look at our visiting procedures. At this institution within the last month we tried an experiment. We've never done it before here. We decided to stop one out of every three cars coming in who was visiting. Out of the 32 vehicles we stopped, only 15 of them had narcotics. Actually, no, excuse me. It was 14. The 15th car was stolen. The first car to show up in the morning was heroin and I guess this is our entire system. I guess the director has put out the word and they've tried this little experiment and we found out that there's some pretty not nice people coming to the facilities and visiting.

Gee, I guess I can say we just need your support and we've got to keep the lid on for the next two or three years. The gentlemen's come out here maybe with some sentencing commission and early release, and I know the Stirling's and the Presley's and the Elder's and the Floyd's of the world don't want to get caught up in this. Let's be honest. The '86 trepidations of saying Jesus, I'm going to start letting these convicts out, I might not even get re-elected. I think you've got to make a decision now and it's got to be made in the next couple of months. We've got to either come up with an old SB 50 which I know hurts the Republicans, the thought of letting some of these suckers loose, but maybe we ought to take a look at the lighter weight inmates that Superintendent Mark has worked with. He didn't work with the heavy weights. He worked with the light weights, but a lot of them could be cut loose back into society and we could probably upgrade his (inaudible) facilities into a more higher level, Level 3 institution, and start putting some of the more dangerous felons in there. These are some of the alternatives.

The sentencing commission is a short-term process because Michigan's governor did do away with it and they've got problems up there. And I think the State of Washington's facing the same issue. Steve.

MR. STEVE FOURNIER: I'm Steve Fournier, I'm the former Chapter President here and now the Chief Job Steward.

I've heard a lot of numbers thrown out here today and I'd like to throw a few out to you because everybody seems to be real good at them. At the back of the room there is Mr. Robert Riggs, the court-appointed monitor from Judge Wygle's court. He is approximately 26 years of age, which means about 17 of those years were spent getting the education getting where he's at now, which doesn't leave a lot for him to have experienced life. So I can forgive some of his naivete if he were involved in submitting this report that the consultants did. Mr. Fudge had a lot of years in corrections. None of it shows through in this report.

Basically, every time we get together with one of these things there's a lot of sour grapes thrown out and there's a lot of worry about the inmates, but the concerns of the staff never get responded to and we're getting awful tired of it. We're dealing with the bottom of the barrel at this prison and doing a damn fine job. The incidents have gone down at the other institutions and gone up at ours because we've got the bad guys. We've heard about other states' crime statistics going down. Of course they have. All those people have caught a bus for California. We're dealing with them.

That's basically all I really have to say except that nobody really seems to be interested in staff safety as much as they are creature comfort of the inmate. Thank you.

MR. NOVEY: Well, present company excepted, Steve?

MR. FOURNIER: Yes. The other guy left.

CHAIRMAN PRESLEY: I think we are, in fact I think there's even a bill in the Legislature now to provide vests for correctional officers, so there is some concern there and hopefully there's enough that some of these kinds of bills will pass.

MR. FOURNIER: Bob, that's appreciated. On the vest issue I'd like to speak to that just for a second, Elder's AB 1199, peace officer in trouble. I'm glad that somebody's finally recognized it. I was somewhat appalled that we haven't got ours yet and the museum guards did have theirs. I thought that was important that they did get their vest first, as well as the Horce Racing Commission investigating team got their vest as well. And now they're saying since we've had a correctional peace officer killed in the line of duty, stabbed in the heart, I think 26 or 28 that have been killed in the line of duty have been either stabbed in the heart and/or chest.

CHAIRMAN PRESLEY: Okay, before we adjourn, Mr. Novey, you had something there that you wanted to give us. What I'd suggest is that that be made part of the transcript. And Mr. Harding, if he's still here, had indicated he wanted to respond on some of the classification material. What I'd suggest you do--you don't have to button up your tie--hat I suggest you do is write us a letter and we'll include it as part of the transcript.

And just in response to Mr. Novey and his organization, I think it's fair to say, I've said it before. We've really been in a crisis situation in California as far as prisons are concerned for something like three years now, three or four years, and I hate to use the old overworked term at the bottom line, but the bottom line is in spite of this crisis situation that we've been in, 150 percent of capacity varying back and forth, we have had no major riots in this State. Now Mr. Haney, I think in

his book or his article described that as something like a roving riot, but anyway you cut it, these things have been contained here. Whether you agree with the tactics that the Department has used or not, they have been contained in terms of major riots. We haven't had the New Mexico's or the Attica's or some of the others, and Mr. McCarthy, I believe, testified to earlier, the fatalities--those rates were higher in the '70's than they are now. So while we have a very serious problem on our hands, I think we need to give credit where credit is due and that is the people out there on the line running this thing from day to day have done a pretty darn good job, in my opinion.

We have had a good day here of recommendations from a cross-section of people and from different parts of the country and what we expect to do is to have those recommendations pulled together just as quickly as possible and we'll share those with the Department, because I think many of them the Department, if they choose to, think they're desirable, they can implement those themselves. And if there's anything the Legislature can do in terms of changing the law or upgrading the law, I think Mr. Stirling and I will be working on trying to do that. Mr. Stirling, do you have anything further?

ASSEMBLYMAN STIRLING: One thing, Mr. Chairman. I would like to echo your comments and thank you for calling the hearing and the staff and of Corrections and the Legislature that helped put it all together. To Mr. Fournier, we wouldn't be here if we didn't care. Everyone else is out doing something else throughout the State, but we're here trying to learn it and trying to solve it and we know that the first people at risk are not our constituents, but it's the members of CCPOA doing such a good job, although we're here primarily for constituents. It is not an easy subject and I'm just learning at lot and I appreciate the research and the time and the interest. You can see, though, that just by listening to all the testimony that anybody hardly agrees on the extent and scope of the problem and what the solution is. When it gets to that situation it's the legislators that get to figure it out, so we're doing our best. Thank you, Mr. Chairman.

CHAIRMAN PRESLEY: Let me ask before we adjourn, is there anybody in the audience that feels you'd like to add anything? Yes? You would? You raised your hand. Would you like to say something? Why don't you come right up here to the microphone, if you will.

MRS. ZENOBIA POSEY: Hello. My name is Zenobia Posey. My husband is Joseph Posey here at Folsom Prison. I'm here as a concerned wife and a visitor to see my husband. I have to be brief and it's the first time I've had a chance to talk about the situation. However, it does concern the reduction of sentences for good behavior controlled by 2931, which is what my husband came here under.

The Department of Corrections should have the authority to reduce the term prescribed under subsection by one-third for good behavior and participation. However, my husband is here under 2931. He's been housed or being punished under 2933, which is a new Work Incentive Program which came out after 1983, January of 1983, which my visits and my family's visits have been denied because of a "C" privilege which he is now privileged under. And I'd like to find out why my husband is being a "C" privilege and he has been changed from an "A" to a "C". And what that means is and what I'm trying to say is there is a Work Incentive Program here that you sign a waiver, which is 2934

PC that came out after January 1983. I understand that 2931 that is before January of 1983 that my husband came here under. I'm moving right along because I have to rush, like I said.

CHAIRMAN PRESLEY: You're doing fine.

MRS. POSEY: I'll just briefly try to put it like this here. My husband entered Folsom in 1981 prior to the Work Incentive Program. It was a policy of the classification committee to inquire of every inmate if they want to work. If you said yes, then you were given a work assignment immediately, or if your answer was you don't want to work, you were still afforded all the rights and privileges as though assigned as work classification of all the rights and privileges of the assigned work or training program.

My husband wanted to work but because he was physically unable he refused to sign the Work Incentive Program because of his physical capabilities. However, subsequently he was asked to work in the print shop graphic and he did complete 742 hours out of the 2,000 hour course. His grade reports by his instructor, Mr. R. F. Gregory, said Posey was very cooperative and did a good job at the school. He has achieved skills as a cameraman and should attempt to continue.

After my husband's classification changed he was assigned a farming job in the mountains. He had just appealed to the assignment explaining why his physical disability and his age, which his birthday is September 9, 1934, he's 50 years old. In essence, the lieutenant replied that he was indifferent to any excuse. That he was a slavemaster and my husband was a slave and that if my husband refused the assignment, my husband would lose all his privileges under the Work Incentive Program. Subsequently, my husband lost 30 days work time credits in relation to the above.

It was confirmed by two orthopedic surgeons that my husband has a degenerative disease and he should be assigned light duty, only no lifting or indulging in prolonged walking. Nevertheless, prison officials have been completely indifferent to my husband's serious medical problem. I have addressed my concern to the Department of Corrections and Dr. Jordan, Chief Medical Physican at Folsom. As of this day I have received no affirmative reply. Lieutenant Hart even told my husband that they would not give a damn if they wheel my husband into classification on a guernsey, my husband was going to work until he received notification that he was medically unassigned.

Every job my husband has been assigned to has been an afflicted major to my husband's health. Presently, my husband is being tortured because he's refused to accept a job as a tier-tender which would require him to stand on his feet all day long lifting, mopping and doing other menial tasks tantamount to cruel and unusual punishment. Now my husband does not mind working. Anyone wants to get out of those cells. The fact is that they don't have light duty work here that my husband can fit into. Besides that, they are punishing my husband for not working because he didn't go into this Work Incentive Program which is 2934, which would forfeit all his rights that he came into prison under 2931, which means he is on an indeterminate sentence. The court sentenced my husband four months to a year. Right now they have my husband doing year to year and being punished not even without signing that Work Incentive Program. So this is what I'd like to know and understand.

CHAIRMAN PRESLEY: Okay. I understand or have been told that the committee staff has been working with you on this and is working with Corrections to try to see if there is an answer to it.

MRS. POSEY: And another thing, also. I don't know much about the violence in here. We talk about the gang, but in my opinion, I think the administration should be looked at also. My husband, I have here a "602". He is being used as a pawn. He has been removed from one building to the other building. It's for instance like this. You and I get along and my husband comes in as a stranger. He's a stranger there. They don't want strangers around. This has happened twice since November of last year by Officer Garcia. There's a lot more in this here than I have facts of and not one that can be proven if someone would take the interest or concern. You see, we talk about the inmates. The concern of staff. I have a family. I am concerned. It seems that we all have to take our own stance of who we're concerned about and this is why I'm here. Everyone is not always bad people. I don't consider myself bad people or one of 15 that came into the institution being stopped by the CCPOA. Everybody has a grudge. I have one too and I'd like to have something done about it.

CHAIRMAN PRESLEY: All right. We have sent a letter to Mr. McCarthy. He has the information, he just hasn't gotten back to us yet. We will followup and get an answer of some kind.

MRS. POSEY: If that's all I can ask for, I appreciate that much, but right now my family is being denied visits and my son is in college and my daughter is in college...

CHAIRMAN PRESLEY: We'll try to expedite an answer as quickly as possible.

MRS. POSEY: All right. Thank you, Senator.

CHAIRMAN PRESLEY: Thank you very much. Okay. I guess--did you want to speak, sir? Okay. With that then, we stand adjourned. Thank you very much.

--oo0oo--

APPENDIX

Proposal by California Correctional Peace Officers Assn.

FOLSOM SOLSTICE PROGRAM

JUNE 17th - SEPT. 2nd.

PRESENT STATE:

CURRENTLY, FOLSOM STATE PRISON IS FACING ITS MOST SEVERE OVER-CROWDING IN 105 YEARS. GANG VIOLENCE IS AT AN ALL TIME HIGH WITH LITTLE RELIEF IN SIGHT. IN ADDITION, ASSAULTS ON STAFF HAVE INCREASED DRAMATICALLY. COUPLING RECENT COURT ACTIONS WITH THE ABOVE MENTIONED HAS CREATED A POTENTIAL VOLITILE CONDITION. ALSO, THE RESTRICTIVE ATMOSPHERE HAS LED TO LESS PRODUCTIVITY IN OUR EDUCATIONAL, VOCATIONAL, AND INDUSTRIAL PROGRAMS. UNFORTUNATELY, DURING THE UPCOMING HOT WEATHER MONTHS, MUCH OF THE ABOVE MIGHT WELL ESCALATE.

BACKGROUND:

FOLSOM STATE PRISON IS A 105 YEAR OLD INSTITUTION WITH MANY OF THE HISTORIC MAINTENANCE PROBLEMS, (PLUMBING, ELECTRICITY, PLANT RESTRUCTURING). DURING THE PAST FIVE YEARS POPULATION HAS NEARLY DOUBLED TO AN ALL TIME HIGH. IN 1980, C.D.C. DIRECTOR, RUTH RUSHEN INTIATED THE FOUR LEVELS PROGRAM FOR OUR CORRECTIONAL SYSTEM. THAT IN TURN PROVIDED A SITUATION FOR THE MOVEMENT OF HEAVY MAXIMUM CUSTODY INMATES WITH GANG AFFILIATIONS INTO FOLSOM. DIRECTOR RUSHEN, AT THAT TIME DECIDED THAT "FOLSOM'S 3 FEET OF GRANITE WALLS AND STAFFING" WOULD BE A RELIEF FOR THE REST OF C.D.C., IN THAT, VIOLENT GANG ACTIVITY WOULD BE RESTRICTED TO ONE INSTITUTION AND LESSEN THE BURDEN ON OTHERS.

HOWEVER, THE FAILURE OF THE 1979-80 WRIGHT vs. ENOMOTO SETTLEMENT CONFERENCE (NOW A COST PROHIBITIVE TOUSSAINT), AND THE FEDERAL INSTITUTIONALIZEI PERSONS ACT, COUPLED WITH THE LEVEL FOUR PROGRAM, HAS LED TO FOLSOMS PRESENT PARADIGMATIC GANG WARFARE.

IN 1970, THERE WERE APPROXIMATELY 25 SERIOUS INCIDENTS AT FOLSOM. SUBSEQUENT MULTIFACTORED CHANGES IN THE 1980's (60 STABBINGS IN 1980, 110 STABBINGS IN 1984, AND GUESSTIMATED 200+ IN 1985), HAS PRESENTED FOLSOM WITH ITS CHALLENGING STATE TODAY. IN ADDITION, STAFF ASSAULTS HAVE INCREASED BY OVER ONE THOUSAND PERCENT SINCE 1970.

ANALYSIS:

THE AFOREMENTIONED BACKGROUND HAS PROVIDED AN EXPLOSIVE SITUATION AT FOLSOM. THE STAFF HAS MAINTAINED THROUGHOUT THIS DIFFICULT FLUCTUATION PERIOD, BUT THERE ARE SOME DETERIORATIONS EVIDENT, (STAFF ARE TURNING DOWN OVERTIME AT \$20 PER HOUR, AND FOLSOM IS EXPERIENCING ITS HEAVIEST INVOLUNTARY ORDERED OVERTIME IN HISTORY). THERE WERE APPROXIMATELY 890 SERIOUS RULE VIOLATIONS DURING THE FIRST QUARTER 1985, INCREASED INMATE

APPEALS (274 FILED), WHICH ALSO ADDED TO THE MASSIVE PAPERWORK PROBLEMS. INCREASED DAILY, WEEKLY AND MONTHLY PROGRAM ADAPTIONS HAS PRODUCED AN AGITATED STATE WITHIN THIS INSTITUTION.

HISTORICALLY THE HEAT WAVES OF JUNE THROUGH AUGUST HAS BEEN A CATALYST FOR HEIGHTENED VIOLENCE. UNDER OUR PRESENT STRUCTURED RESTRICTIVE (CONTROL & ORDER) PROGRAMS, THE TEMPERATURE FACTOR WILL BECOME A LARGER ELEMENT AT FOLSOM.

WHAT THIS INSTITUTION NEEDS IS A BREAK IN THE ACTION. THE RECOMMENDED (ATTACHMENT A) SOLSTICE PROGRAM WILL GIVE STAFF TIME TO PERFORM THE BULK OF OUR WORK PROGRAM BEFORE THE HEAT, CREATE A BETTER WORK ATMOSPHERE AT THE WORK STATION, REDUCE TENSIONS (?) AND CUT DOWN ON SICK LEAVE. THE PARADOX HERE IS VIA THIS SUMMER PROGRAM IS THAT WORK WILL INCREASE DURING THE SUMMER. IN ADDITION, THIS PROGRAM CAN BE IMPLIMENTED WITH NO INCREASE IN POST COVERAGE, (ATTACHMENT B).

ALTERNATIVES:

OUR POSSIBLE COURSES OF ACTION IF THE SUMMER PROGRAM IS NOT IMPLIMENTED:

- (1) KEEP OUR PRESENT PROGRAM IN PLACE.
- (2) MODIFY PRESENT PROGRAM AS TIME PERMITS.
- (3) LET COURT ACTION DICTATE.
- (4) REVERSE RECOMMENDED PROCESS TO AN EVENING PROGRAM.

RECOMMENDATION:

IT IS RECOMMENDED THAT FOLSOM STATE PRISON GO WITH THE FOLSOM SOLSTICE PROGRAM FOR THE FOLLOWING REASONS: (1) THIS INSTITUTION NEEDS TO STEM THE TIDE OF VIOLENCE AND GIVE STAFF A POSITIVE CHANGE TO CIRCUMVENT A SUMMER CRISIS.(?) VIA THE PROGRAM, WORKING INMATES WILL HAVE THE ABILITY TO DAILY ACCESS: LEGAL, TELEPHONES, CONSELING, CANTEEN, MEDICAL SERVICE, CHAPEL, RECREATION, SHOWER, AND A COOLER WORK ENVIRONMENT.

- (3) NON-WORKERS WILL ALSO HAVE ACCESS TO MANY OF THE ABOVE PROGRAMS.
- (4) THE STAFF WILL PROBABLY FACE A REDUCTION IN LEGAL ACTIONS (115's, 602's, INCIDENT REPORTS), MORE SEARCH TIME AVAILABLE, OPTIMUM WORK DURING THE COOL PART OF THE DAY, AND HOPEFULLY, INCREASE ORDER AND CONTROL AND EXPAND THE PRISON'S PRODUCTION. ALL OF THE ABOVE SHOULD OCCUR WITH NO FISCAL IMPACT.

FOLSOM SOLSTICE PROGRAM (FSP)

TIME SUMMER- JUNE 17th THROUGH SEPTEMBER 2nd

0500 All R&R Bus Movement Completed

0530 Institutional Count Cleared

0530 Start Feeding Institutional Workers

0630-0645 Workers move to Job Assignment

0700 Start placing 1/2 Non workers onto yard
(Sick call and feeding option at 1000)

0730 Start feeding 1/2 non workers. Finish 0930,
return to cell. (Rotate non workers program
on daily basis)

1100-1200 Close "A" Count

1200-1230 Return non workers to cell

1315 Industries, Vocational, Educational Return Line

1315-1500 Workers Yard or Programs (Sack feed #3 Bldg)

1500 Line In

1530 Institutional Count

1600 Count Clears

1605 Feeding Starts

 a. 2 Bldg - #2 Dining Room

 b. 5 Bldg - #1 Dining Room

 c. 3 Bldg - Upon completion of above.

1900 Institution Count

POSITION CHANGES

TOWERS

3	0630 - Relief at 1430	
4	0630 - Relief at 1430	
5	(0630-1430) - (1430-2230)	
8	0630 -	
9	0630 -	
16	0630	(S&E start till 0730)
20	0630	(S&E start till 0730)

Industries, Education, Vocational,
0600 - 1400

Yard Crew 0630 - 1530

DEPARTMENT OF CORRECTIONS

P.O. Box 714
Sacramento, CA 95803



June 14, 1985

The Honorable Robert Presley
Senator, 36th District
State Capitol, Room 4048
Sacramento, CA 95814

Dear Senator Presley:

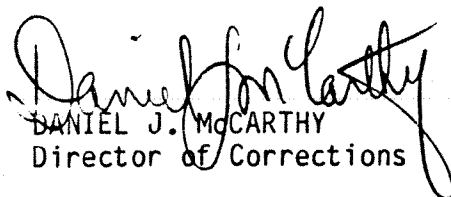
Enclosed please find the information you requested in your letter dated June 6, 1985, concerning inmate incidents in California state institutions.

The 1984 Annual Incident Report covers inmate incidents for male and female felons and civil addicts incarcerated in institutions and camps from 1970 through 1984 with special emphasis on 1984. Five tables are included which display various data on the number, rate and type of incident by institution and by year.

In addition, a table which displays data on the number of assaults with weapons at Folsom, San Quentin, Deuel Vocational Institution (DVI), and Correctional Training Facility (CTF) from January through May 1985 has been compiled. It should be noted that the data for March, April and May 1985 are the preliminary results from a telephone survey conducted of the four institutions.

Should you have any questions or require further assistance, please contact Mr. Patrick M. Kenady, Assistant Director, Legislative Liaison at 445-4737.

Sincerely,


DANIEL J. MCCARTHY
Director of Corrections

Enclosure

cc: Assemblyman Larry Stirling

INMATE INCIDENTS IN INSTITUTIONS

1970 through 1984

SUMMARY

This report covers inmate incidents for male and female felons and civil addicts incarcerated in institutions and camps from 1970 through 1984 with special emphasis on 1984. Inmate incidents are prohibited inmate activities that could be referred for prosecution and must be reported to the Director of Corrections. The incidents include assaults by inmates on other inmates and staff, possession of weapons, narcotics use and/or possession, sex between inmates or sexual assaults by inmates on staff, successful and unsuccessful suicides, and other miscellaneous actions. The data reported are based upon incident reports submitted by the institutions to the Offender Information Services Branch.

1984 Summarized:

There were 5,105 incidents in the institutions (Table 1). Of these, 4,929 incidents involved male inmates and 176 involved female inmates.

Incidents involving assaults (with and without weapons) occurred most frequently, with marijuana second, and possession of weapons third.

Among men's institutions, San Quentin reported the largest number of incidents with Deuel Vocational Institution second, Correctional Training Facility third, and Folsom fourth. The California Medical Facility reported the fewest incidents.

Trends in Incidents:

The yearly rate of incidents per 100 inmates increased from 1.36 in 1970 to a high of 12.73 in 1984 (Table 2). All types of incidents have increased dramatically since 1970. If attempted suicides are set aside, the largest increase between 1983 and 1984 occurred for assaults with weapon incidents which increased from 573 to 935.

Since 1980, San Quentin has had the highest rate of incidents among men's institutions (Table 3). In 1978 and 1979, the Correctional Training Facility had the highest rate of incidents. The California Rehabilitation Center, which had the next to lowest rate of incidents in 1978, climbed to having the fifth highest rate of incidents in 1984. The California Medical Facility reported the lowest rate of incidents in 1984.

Assaults on Staff

There were 695 assaults on staff in 1984, an increase from the 180 assaults on staff in 1978 (Table 4). The rate of assaults on staff per 100 average daily inmate population increased from .89 in 1978 to 1.73 in 1984. With the exception of 1979, the women's institutions have had a slightly higher rate of assaults on staff than the men's institutions.

Fatalities

There were 16 inmates fatally injured in assaultive incidents in 1984, an increase of 6 from 1983 (Table 5). There were no staff fatalities in 1984.

Report # BEH-1

Contact persons: Paula Burbach (916) 323-3634
Richard Bass (916) 324-0888

TABLE 1
 NUMBER AND TYPE OF INCIDENTS IN INSTITUTIONS
 BY YEAR
 1984

	I N C I D E N T S												
	Total*	Type of Incident											
	Number Incidents	Assaults			Poss. of Weapon	Sul-icide	Att. Sul-icide	Sex	Narcotics **			Other	
Total		With Weapon	Without Weapon	Total					O	DD	M		
Total	5,105	1,882	935	947	1,159	18	91	47	1,694	296	85	1,313	214
Total Men	4,929	1,813	924	889	1,136	18	78	46	1,641	267	85	1,289	197
Calif. Correctional Ctr. . .	189	61	23	38	27	0	2	0	89	10	1	78	10
Sierra Conserv. Center . .	201	66	23	43	36	0	1	2	85	16	5	64	11
Calif. Inst. for Men	318	89	30	59	61	1	9	0	144	39	8	97	14
Minimum Reception Center	124	22	6	16	12	1	1	0	80	18	7	55	8
Central and West	161	60	22	38	45	0	7	0	43	14	1	28	6
East	33	7	2	5	4	0	1	0	21	7	0	14	0
Calif. Correctional Inst. . .	294	61	27	34	40	0	5	6	170	20	14	136	12
Calif. Medical Facility . . .	138	31	11	20	17	1	0	0	88	1	7	80	1
Main	115	23	9	14	11	1	0	0	79	1	6	72	1
Northern Reception Ctr. . .	18	6	1	5	5	0	0	0	7	0	1	6	0
South	5	2	1	1	1	0	0	0	2	0	0	2	0
California Mens Colony.***	323	66	33	33	41	4	4	7	181	21	3	157	20
Calif. Rehab. Center -Men .	371	99	19	80	31	0	1	2	225	93	7	125	13
Correctional Training Fac . .	675	277	83	194	98	2	24	17	213	24	9	180	44
Central	409	186	53	133	58	2	18	8	102	11	2	89	35
North	195	67	18	49	30	0	6	6	81	9	6	66	5
South	71	24	12	12	10	0	0	3	30	4	1	25	4
Deuel Vocational Inst.	678	346	209	137	171	1	12	8	130	27	12	91	10
Folsom	641	249	135	114	191	3	17	2	143	10	10	123	36
San Quentin	1,101	468	331	137	423	6	3	2	173	6	9	158	26
Total Women	176	69	11	58	23	0	13	1	53	29	0	24	17
Calif. Inst. for Women . . .	151	64	9	55	17	0	13	1	40	23	0	17	16
CRC - Women	25	5	2	3	6	0	0	0	13	6	0	7	1

* Includes 16 fatalities: 1 at California Training Facility - Central 6 at Folsom
 1 at Deuel Vocational Institution 8 at San Quentin

** O - Opiate, DD - Dangerous Drugs, M - Marijuana

*** Incidents that occurred at Atascadero State Hospital are included under the California Mens Colony.

Note: These data are based upon incident reports submitted by the institutions to the Offender Information Services Branch. Where the number of persons involved in an incident could not be determined, a count of one was given; for a riot or strike, the number involved was estimated. Less serious attacks on staff (throwing liquid, food or cards) are included in assaults without weapons. If weapons and narcotics were found in the same incident, it was counted as a possession of weapon incident.

Table 2

NUMBER, RATE, AND TYPE OF INCIDENTS

INSTITUTIONS AND CAMPS

SUMMARY BY YEAR

1970 - 1984

Calendar year	Type of Incidents									
	Number		Type of Incident							
	Total Incidents	Rate per 100 average inst. pop.	Assault with weapon*	Assault without weapon	Poss. of weapon	Drugs	Sex	Suicide	Attempted Suicide ***	Other
1970	366	1.36	79	66	89	80	15	11	-	26
1971	445	2.00	124	49	103	105	14	14	-	36
1972	592	3.04	189	69	132	144	9	9	-	40
1973	777	3.67	197	92	200	230	4	18	-	36
1974	1,022	4.30	220	121	262	347	8	14	-	50
1975	1,089	4.73	212	110	249	430	13	9	-	66
1976	1,385	6.84	204	131	193	776	6	7	-	68
1977	1,815	8.79	241	177	302	951	16	12	-	116
1978	2,060	10.07	270	247	374	1,034	18	4	-	113
1979	2,427	10.90	309	389**	420	1,099	30	8	-	172
1980	2,848	12.17	339	436	498	1,367	22	11	-	175
1981	3,084	11.69	396	531	539	1,352	36	12	38	180
1982	3,625	11.64	454	651	815	1,396	46	24	54	185
1983	3,904	10.89	573	765	861	1,370	54	19	93	169
1984	5,105	12.73	935	947	1,159	1,694	47	18	91	214

* Includes incidents involving fatalities.

** Includes 66 less serious attacks on staff by men (throwing cold liquid, food or cards). Due to reporting irregularities, total assaults without weapons this year included a disproportionately high number of these less serious incidents.

*** Attempted suicides were added to the incident reporting system in 1981.

Note: These data are based upon incident reports submitted by the institutions to the Offender Information Services Branch.

Table 3

NUMBER OF INCIDENTS AND RATE PER 100 AVERAGE DAILY INSTITUTION POPULATION
 SUMMARY BY INSTITUTION BY YEAR

1978 - 1984

Institution	1978		1979		1980		1981		1982		1983		1984	
	Number of Incidents	Rate per 100 average inst. pop.	Number of Incidents	Rate per 100 average inst. pop.	Number of Incidents	Rate per 100 average inst. pop.	Number of Incidents	Rate per 100 average inst. pop.	Number of Incidents	Rate per 100 average inst. pop.	Number of Incidents	Rate per 100 average inst. pop.	Number of Incidents	Rate per 100 average inst. pop.
Total	2,060	10.07	2,427	10.90	2,848	12.17	3,084	11.69	3,625	11.64	3,904	10.89	5,105	12.73
Total Men	2,021	10.44	2,353	11.18	2,771	12.51	2,985	11.91	3,522	11.86	3,742	10.97	4,929	12.95
California Correctional Center	139	16.81	120	11.44	188	16.25	128	10.06	150	8.15	194	7.54	189	6.83
Sierra Conservation Center	77	4.59	124	6.18	137	6.25	141	5.44	164	5.87	121	4.24	201	6.44
California Institution for Men	183	7.64	230	8.54	291	10.53	328	10.37	423	11.58	388	9.18	318	7.09
Minimum	49	7.10	77	8.47	102	10.14	147	12.00	197	13.68	166	12.17	124	8.46
Reception Center														
Central and West	109	8.25	95	6.98	142	10.09	140	9.19	159	9.18	164	7.79	161	7.02
East	25	7.58	58	15.80	47	13.43	41	9.81	67	13.93	58	7.64	33	4.54
California Correctional Institution ..	161	15.02	158	13.54	139	11.00	121	7.98	85	5.27	118	6.71	294	14.41
California Medical Facility	117	6.35	139	7.15	172	8.71	212	9.35	267	9.84	233	7.77	158	3.94
Main	114	8.20	127	8.50	141	9.26	182	10.69	221	11.18	201	8.97	115	4.89
Northern Reception Center	3	.66	12	2.66	31	6.86	30	5.40	46	6.22	32	4.22	18	1.74
South*	-	-	-	-	-	-	-	-	-	-	-	-	5	-
California Mens Colony**	188	7.60	117	4.63	130	5.13	182	7.00	167	6.21	221	7.96	323	8.57
California Rehab. Center - Men	41	3.21	73	7.15	138	11.03	187	12.40	279	12.52	375	14.59	371	13.26
Correctional Training Facility	465	17.57	601	20.70	491	16.45	399	11.60	415	10.46	480	9.97	675	11.83
Central	273	21.15	347	25.37	290	19.53	284	15.73	299	14.33	322	13.98	409	15.20
North	158	15.77	217	18.95	173	16.11	94	8.19	97	7.17	118	6.01	195	8.69
South	34	9.63	37	9.46	28	6.59	21	4.33	19	3.61	40	7.26	71	9.19
Deuel Vocational Institution	174	14.24	181	13.34	243	16.49	323	18.54	397	17.68	426	15.47	678	21.48
Folsom	83	5.32	118	6.99	163	10.13	302	15.45	354	13.27	414	11.95	641	18.69
San Quentin	393	16.61	492	18.30	679	22.99	662	21.99	821	25.01	772	23.34	1,101	33.47
Total Women	39	3.55	74	6.05	77	6.15	99	7.49	103	7.13	162	9.27	176	8.60
California Institution for Women	37	4.60	72	7.56	66	7.14	67	6.97	81	7.45	129	9.98	151	10.13
California Rehab. Center - Women	2	0.68	2	0.74	11	3.36	32	8.84	22	6.16	33	7.25	25	4.50

* No rate was calculated for California Medical Facility - South since the Institution only started receiving inmates on August 22, 1984.
 ** Incidents that occurred at Atascadero State Hospital are included under the California Mens Colony.

Note: These data are based upon incident reports submitted by the institutions to the Offender Information Services Branch.

Table 4

NUMBER OF INCIDENTS INVOLVING INMATE ASSAULTS ON STAFF
 BY INSTITUTION

1978 - 1984

Institution	1978	1979	1980	1981	1982	1983	1984
Total	180	323	303	366	450	548	695
Rate per 100 average Institution population .....	.89	1.46	1.29	1.39	1.45	1.53	1.73
Number of staff assaulted	(229)	(401)	(405)	(479)	(549)	(668)	(825)
Total In Men's Institutions	168	311	285	344	427	499	640
Rate per 100 average Institution population .....	.87	1.49	1.29	1.37	1.44	1.46	1.68
California Correctional Center	6	11	8	10	3	17	16
Sierra Conservation Center	3	10	11	5	11	5	13
California Institution for Men	14	25	21	23	38	35	23
Minimum	1	7	5	1	9	8	4
Reception Center							
Central and West	7	12	13	13	20	23	17
East	6	6	3	9	9	4	2
California Correctional Institution	6	5	2	10	9	4	29
California Medical Facility	15	21	20	22	37	19	20
Main	15	21	19	17	31	17	15
Northern Reception Center	0	0	1	5	6	3	5
South	-	-	-	-	-	-	0
California Mens Colony*.....	17	13	18	24	13	18	28
California Rehab. Center - Men	4	1	7	17	38	39	55
Correctional Training Facility	80	181	130	87	84	124	158
Central	51	114	72	70	57	92	107
North	29	67	56	16	26	28	40
South	0	0	2	1	1	4	11
Deuel Vocational Institution	8	11	13	39	43	66	84
Folsom	7	13	23	31	48	72	80
San Quentin	8	20	32	76	103	99	134
Total In Women's Institution	12	12	18	22	23	49	55
Rate per 100 average Institution population	1.11	.99	1.44	1.66	1.59	2.80	2.69
California Institution for Women	12	12	17	19	22	43	52
California Rehabilitation Center - Women	0	0	1	3	1	6	3

* Incidents that occurred at Atascadero State Hospital are included under the California Mens Colony.

Note: These data are based upon Incident reports submitted by the Institutions to the Offender Information Services Branch.

Table 5
 NUMBER OF PERSONS FATALLY INJURED DUE TO ASSAULTIVE INCIDENTS
 BY YEAR
 1970 - 1984

Calendar year	Total	Inmate Victims						Staff Victims
		Total	Stabbed	Beaten	Strangled	Shot	Poisoned	
1970	13	11	7	0	1	3	0	2
1971	24	17	13	2	0	2	0	7
1972	36	35	32	1	2	0	0	1
1973	20	19	15	1	2	1	0	1
1974	23	23	20	2	1	0	0	0
1975	17	17	15	0	1	1	0	0
1976	20	19	17	1	1	0	0	1
1977	18	18	16	1	0	1	0	0
1978	16	16	13	1	2	0	0	0
1979	16	16	15	1	0	0	0	0
1980	14	13	13	0	0	0	0	1
1981	17	16	14	0	1	1	0	1
1982	14	14	13	1	0	0	0	0
1983	10	10	7	2	1	0	0	0
1984	16	16	14	0	2	0	0	0

Note: Three inmates were fatally shot while attempting to escape: one in 1971, one in 1973, and one in 1981. One inmate who was beaten in November 1981 at OMC and died from the injuries in 1982 at SQ was counted as a fatality in 1981.

Report # BEH-1

Assaults With Weapons
Folsom, San Quentin, Deuel Vocational Institution
and Correctional Training Facility
January through May 1985^{1/}

Institution	Number of Assaults with Weapons
Total	<u>322</u>
Folsom	124
San Quentin	134
DVI-Tracy	30
CTF-Soledad	34

^{1/} The data for March, April and May 1985 are the preliminary results from a phone survey of institutions.

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June 17, 1985

To: Senator Robert Presley, Chairman
From: Lewis H. Fudge, Senior Consultant

WEAPON ASSAULT INCIDENTS AT FOLSOM PRISON JANUARY - MAY 1985

A review was made of total Department of Corrections Incident Reports which cover assault with weapons incidents that occurred at Folsom Prison during the time period January 1 - May 31, 1985. The purpose of the review was to determine pertinent facts about these incidents. The facts are listed and briefly explained below:

1. Number of Weapon Assault Incidents

A total of 147 incidents involving the use of weapons by inmates occurred during the five month measurement period. Results of the assaults ranged from 1 fatality to superficial or no damage being inflicted.

Comment: This is an extraordinary number of assault incidents for a five month time period at an institution that had as few as 9 weapons assaults during 1975 and only 27 as late as 1980.

2. Frequency of Weapon Assaults

Weapons use has been cumulative during 1985. There were 10 such incidents during January, 18 in February, 45 in March, 40 in April, and 34 in May. As indicated, weapon assaults averaged more than 1 per day over the last three months.

On four days the number of weapons assaults were 7 on March 8th, 9 on March 10th, 6 on April 6th, 6 on April 9th, and 6 on May 27th, Memorial Day.

Comment: These are warlike figures, particularly on days when multiple weapon assaults occurred.

3. Location of Weapon Assaults

The majority of assaults occurred in General Population areas of Folsom (114); a total of 33 occurred in Security Housing Units and in Number 2 Dining Room, where lockup inmates are sometimes fed.

As to specific general population areas of occurrence, they were as follows: Two Building 38, Three Building 22, Five Building 29, Main Yard 14, Industry 8, and Culinary 3.

Six (6) assaults occurred in Security Housing Unit #1 (Four Building); 27 occurred in Housing Unit #2 (One Building). The latter includes assaults by One Building inmates during mealtimes in adjacent Dining Room Number Two.

Comment: For a maximum security "lockup" prison, a startling number of weapons assaults occurred in General Population Areas, especially since Folsom has been on "lockdown" during most of 1985.

4. Degree of Assault Seriousness

During the measurement period there was only 1 fatal assault. Some 23 of the assaults can be classified as Major, since outside hospitalization was required. A total of 34 are classified as serious because of either outside or institution hospitalization. A very large number (89) are classified as superficial or no damage. Nearly all assaults were broken up via officers firing warning shots from building gun rails or from guard towers.

Comment: Given the crisis environment at Folsom, it is probable that many of the assaults would have resulted in death or major injuries except for conditions of emergency controls imposed on the prison.

5. Kinds of Weapons Used

For a super maximum security prison operating most of the time under lockdown conditions, a startling number of weapons used were made of heavy, flat metal stock (67), or were fashioned from metal rods (19). Some 35 weapons were of makeshift material, primarily sharpened plastic. Six (6) assault weapons were not recovered.

Comment: Again, for a maximum security prison operating largely under emergency lockdown conditions, control of metal stock to prevent weapons manufacture seems extraordinarily lax.

6. Motivation for Assaults

Although it was not possible from a cursory review of the Incident Reports to pinpoint motives, the review made obvious that the overwhelming number of assaults were race and/or gang related. For example, there were at least 58 assaults by Hispanic inmates on Black Inmates, and there were 35 assaults by Black on Hispanics. Most of the other assaults appear to be inter-gang member related (Black on Black and Hispanic on Hispanic).

Note: Only one weapon assault (a broom stick) listed a correctional officer as the victim.

Comment: Without doubt, Folsom Prison has become a battleground between Hispanic and Black - warfare continues to grow more intense.

CONCLUSIONS:

Folsom Prison is operating under chaotic conditions. The greater the security measures imposed, the greater the amount of violence.

Housing warring inmates of different races and gangs in the same cell blocks and on the same cell tiers is not a rational approach. It is akin to forcing integration among the Catholics and Protestants in Northern Ireland, or the Christians and the Moslems in Lebanon.

Reducing the population does not seem to be a workable solution. For example, since January 1, 1985, the prisons population has been reduced by over 400 inmates, yet violence has continued to sky rocket.

Institution lockdowns over extended time periods appears equally fruitless.

Without question, the time to develop and employ more effective management methods at Folsom is long overdue. To continue to utilize the same failed means of more restricted lockdowns and ever greater security controls will only make matters worse.

Folsom and Department of Corrections staff should be urged to develop and use more constructive methods of prison management.

LHF:bh

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June 17, 1985

To: Senator Robert Presley, Chairman

From: Lewis H. Fudge, Senior Consultant

CDC CUMULATIVE INCIDENT REPORT ANALYSIS

Attached are two data compilations by the Department of Corrections that cover inmate incidents. They were provided at legislative request on Friday, June 14, 1985.

The larger document, Inmate Incidents In Institutions 1970-1984, provides detailed and cumulative data on the following categories of incidents. Total incidents by institutions, assaults with and without weapons, possession of weapons, suicides and suicide attempts, narcotics, and others.

When compared chronologically, the data is alarming, particularly for the years 1984. Highlights from this report are as follows:

1. Total Incidents

During 1984 a total of 5,105 serious incidents were reported across the Department. This is much higher than for any prior year. For example, totals for earlier years were: 1970 = 366 incidents; 1975 = 1,089 incidents; 1980 = 2,848; 1983 = 3,904.

The unprecedented increase in the prison system's inmate population has played a large part in the accelerating number of incidents. But there are other factors involved. This is illustrated in the report sections that follow:

2. Rate of Incidents Per 100 Average Institution Population

During 1984 the rate of incidents reached its highest point in Departmental history - 12.73 per hundred inmates. Again,

to underscore the significance of this 12.73 figure, prior years are used as a comparison base: during 1970 the rate was 1.36; for 1975 it was 4.73; in 1980 it was 12.17. Of special significance, the CDC 1983 rate had declined to 10.89.

3. Assaults on staff by Inmates

Once again, the comparison figures are alarming. During 1978 a total of 229 staff were assaulted by inmates. By 1980 the total had climbed to 405. During 1984 the total nearly doubled to 825.

4. Assaults with Weapons - Four Institutions

The weapon assault totals at the Departments four high security prisons during 1984 are equally as disconcerting. They are as follows:

San Quentin	331
DVI-Tracy	209
Folsom	135
CTF-Soledad	83

On the final page of the attached Departmental material the number of Weapon Assaults that have occurred in the above listed prisons during the period January - May 1985 are listed. The totals are:

San Quentin	134
Folsom	124
*DVI-Tracy	30
*CTF-Soldedad	34

*It is significant that despite extremely serious overcrowding at Tracy (199.6 above design capacity) and Soledad (196.3 percent at Central and 188.8 percent at North above design capacity), numbers of assaults are thus far moderate at both prisons. These aforementioned prisons all have large numbers of Level IV prisoners. Currently, San Quentin Main is operating at only 107.2 percent above design capacity and Folsom at 148.4 percent. The Department as a whole is at 154.8 percent above design capacity.

CONCLUSION

Only one conclusion can be reached from the above data comparisons: The California Department of Corrections (CDC) has a momentous management control problem with its inmate population. This is particularly the case at San Quentin and Folsom prisons.

At the same time, CDC population growth during 1985 has exceeded 140 persons per week.

Unless drastic measures are taken to improve institution climates and to curb population growth, the California Prison System is headed for unprecedented disaster(s).

The single CDC prison that decreased its incident rate during 1984 was the California Medical Facility - Vacaville and its rate per 100 inmates declined to only 3.94 and only 11 assaults with weapons occurred. This is remarkable in comparison with other CDC institutions.

The reasons for incident control success at the Medical Facility should be determined for possible application at other prisons.

LHF:bh

Attachments: 2

June 7, 1985

To: Senator Robert Presley

Re: Folsom Violence Hearing - INMATE WITNESSES

I am in the process of obtaining at least three inmate witnesses to testify at the upcoming legislative hearing on violence at Folsom Prison. The kind of inmate witnesses that will best serve hearing purposes should have the following characteristics.

1. They should represent each of the main ethnic groups at Folsom: a Black, a Chicano, and a Caucasian.
2. They should be articulate and able to describe conditions and events at Folsom in an objective matter of fact way.
3. They should be able to offer possible solutions to the violence problem at Folsom.

Once I have acquired a list of potential witnesses, I plan to go to Folsom and interview and tell them the makeup and purpose of the legislative hearing. From the group, I will select three or four who are both willing and able to provide useful testimony.

For the interviews at Folsom, I want to have a legislative consultant who is also an attorney at law to accompany me, for example Marilyn Riley. This attorney person can also coordinate with the inmates' attorneys (if they have attorneys) and secure approval for their clients to testify.

I plan to accomplish the above once the date for the Folsom hearing is set.

After the witnesses are selected, I plan to provide Department of Corrections officials the name of the witnesses and request to have them available at the hearing. Preferably this should be done on the day before the hearing. In this way, the inmates cannot be transferred away from Folsom prior to the hearing, or be pressured by Folsom staff not to testify in a truthful manner.

Memo to Senator Presley
June 7, 1985
Page 2

Finally, the witnesses should receive assurance from the Legislature that they will not be retaliated against after they do testify.

I will keep you advised of all developments in this area.

Sincerely,

Lewis H. Fudge
Committee Consultant

LHF:bh

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June 4, 1985

TO: SENATOR ROBERT PRESLEY

FROM: LEWIS FUDGE, Consultant, Prison Committee

FOLSOM PRISON VIOLENCE CAUSES AND POSSIBLE SOLUTIONS

INTRODUCTION

On Memorial Day, eight (8) more stabbing incidents occurred at Folsom Prison. This brought the total of such incidents to 115, which exceeds by six (6) the total number which occurred during 1984, the prior record high at Folsom Prison.

Table 1 below depicts the number of weapon assault incidents that have occurred at Folsom from 1975 through May 27, 1985.

TABLE 1 - ASSAULTS WITH WEAPONS AT FOLSOM PRISON
1975 through May 27, 1985

<u>YEAR</u>	<u>TOTAL WEAPONS ASSAULTS</u>
1975	9
1976	9
1977	10
1978	10
1979	13
1980	27
1981)*
1982	)55
1983	80
1984	110
1985 (Jan. 1-May 27)	115

*NOTE: New CDC Report Format covering period of July 1981 through June 1982.

As can be seen from the table, Folsom began to suffer serious levels of inmate violence in 1981. It was during this year that both Folsom and San Quentin were designated, under the Department

of Corrections (CDC) new Inmate Classification Plan, as Level IV (Maximum Security), lockdown prisons.

Prior to 1981, Folsom had been the CDC's only maximum security prison. However, it housed inmates at all custody levels - minimum through maximum. The majority of the inmates were older, repeat offenders. Only under special circumstances could inmates under 25 years of age be housed at the prison.

After being designated a Level IV prison, the older and more stable inmates were transferred to other institutions. They were replaced by younger, more volatile inmates, many of whom were serving long sentences. This "new breed" of inmates had previously been housed at San Quentin, DVI-Tracy and CTF-Soledad. As Table 2 below indicates, these institutions, and the prison system as a whole, have experienced increased rates of disruptive incidents from 1975 to the present time.

TABLE 2 - INMATE INCIDENTS IN INSTITUTIONS
1975 through SEPTEMBER 1984
FOUR INSTITUTIONS AND CDC TOTALS*

<u>Year</u>	<u>San Quentin</u>	<u>CTF Soledad</u>	<u>DVI Tracy</u>	<u>Folsom</u>	<u>CDC Total</u>
1975	252	197	123	55	1,089
1976	295	230	98	87	1,385
1977	277	392	171	97	1,815
1978	393	465	174	83	2,060
1979	492	601	181	118	2,427
1980	679	491	243	163	2,848
1981	662	284	323	302	3,084
1982	821	415	397	353	3,625
1983	772	480	426	414	3,904
1984	825	496	519	461	3,829

(Jan-Sept.)

*Note: Inmate incidents include assaults with and without weapons on both staff and inmates, possession of weapons or controlled substances (narcotics), suicides and suicide attempts.

In summary here, the designation of Folsom (and San Quentin) as a Level IV lockdown prison has been the principal cause of its soaring increase in violence since 1981. There are, however, a number of directly and indirectly related causes. These are listed and briefly explained in the next report section.

RELATED CAUSES OF FOLSOM PRISON VIOLENCE

1. Concentration and lockup of prison gangs and gang leaders

Warring gangs have been heavily concentrated at Folsom Prison. The main gangs are the Mexican Mafia, the Black Guerrilla Family (BGF) and Crips; the latter group represents members of Los Angeles street gangs. Prolonged and bitter fighting among these inmates has caused the majority of recent stabbing incidents at Folsom.

2. The assignment of enemy gang members in the same housing units and on the same cell tiers.

On November 17, 1983 the assignment of four Chicano gang members to an otherwise all Black tier and four Blacks to an otherwise all Chicano tier, which was then changed from a segregation to a General Population area, resulted in a renewed outbreak of gang warfare.

Prison officials said that the cell moves and changes in housing unit designation stemmed from a court order in the Toussaint case injunction.

Stabbing incidents at Folsom have skyrocketed since the above described incident.

3. Unsuitability of aged, five tier cell blocks for segregation housing.

The use of B-Section of the South Cell Block at San Quentin Prison during the 1960's and 1970's demonstrated that it was not possible to operate a segregation unit on five tiers and not violate imposed court requirements for minimum standards of inmate care.

B-Section was closed in early 1975. However, after San Quentin and Folsom were designated as Level IV prisons entire cell blocks at both prisons were converted to lockdown segregation units. Given conditions that have been determined by the courts to amount to "cruel and unusual punishment," these units are a guarantee of animosity and violence among inmates.

4. CDC Policy of Assigning Inmate Leaders to Segregation Confinement.

The confinement and retention of inmate leaders in lockup units negated the possibility of staff being able to persuade these leaders to negotiate and keep the peace among the various inmate factions.

5. Change in staff and inmate relationships from cooperative to adversary.

Beginning in 1944, with the creation of the CDC under Mr. Richard McGee, the goal of inmate rehabilitation provided a solid foundation for cooperation between inmates and staff.

This spirit of cooperation ended in 1977 with the change from indeterminate to determinate sentencing and CDC purpose from rehabilitation to punishment.

Each passing year has widened the separation between staff and inmates and has given reinforcement to an "Us Against Them" philosophy on both sides. At Folsom this philosophy is at a zenith.

6. Rise and dominance of correctional officers union.

With the advent of collective bargaining rights for state employees, uniformed staff selected the California Correctional Peace Officers Association (CCPOA) as their bargaining agent. Using a motto of "The toughest beat in the state," the CCPOA has reinforced the separation between staff and inmates.

7. Tough on crime sentencing practices.

Since 1977, the change to determinate sentencing, the Legislature has made prison mandatory and increased the length of sentences for various crimes. During this period, sufficient new prisons have not been built to accommodate the vast increase in the number of state prisoners.

Inadvertently, the increase in sentence severity has aggravated two primary causes of prison disruption and violence: (1) severe overcrowding and (2) "What have I got to lose?" attitudes among long-term prisoners.

Paradoxically, at Folsom the recent soaring rate of violence has occurred during a substantial reduction in the prison's population. On January 1, 1985, Folsom-Main held 3,074 inmates and was functioning at 172.5 percent above design

capacity; on May 26, 1985 the population was 2,673 and the institution was at 150 percent of design capacity. In brief, while the inmate population at Folsom-Main has been reduced by 401 inmates since the first of the year, violence has accelerated.

8. Acceptance of Violence as a Given.

Inmates and staff at Folsom (and San Quentin) have come to accept violence as a way of life. No concerted efforts are made by either group to seriously address the problem and thereby end it.

9. Imposition of Prolonged Lockdown.

In vain efforts to control inmate violence Folsom staff have resorted to extended lockdowns of the prison. Lockdowns do bring temporary control, but when prolonged they exacerbate the problem. Daily conditions of existence deteriorate, and animosity among inmates and between inmates and staff intensifies.

10. Intervention by the Courts

CDC and Folsom have been reluctant to accept the mandates of the federal court injunctions imposed in the Toussaint case. A second court suit has started, which, if successful, would end double-celling at Folsom. The earlier Wilson vs. Deukmejian state court injunction mandated single-celling at San Quentin.

Court intervention and reluctant compliance by staff further aggravates conditions that breed inmate violence.

POSSIBLE SOLUTIONS TO FOLSOM VIOLENCE

Reducing violence at Folsom Prison, and elsewhere in the CDC, will be a formidable undertaking. Enmities among prisoners have continued for a long time, and the CDC is faced with ever greater overcrowding and its attendant evils.

However, when the new Southern Maximum Security Prison at Tehachapi begins to receive inmates late this year, or early in 1986, an opportunity will be provided to substantially reduce inmate violence at Folsom and to preclude its expansion into the

new prison complex. This can be accomplished by squarely facing and carefully addressing each of the violence causes listed and spoken to above.

It is recommended that the following courses of action be considered:

1. Discontinue the use of aged cell blocks at Folsom (and San Quentin) for segregation housing.
2. Alter staff attitudes toward inmates from adversary to cooperative.
3. Work with inmate leaders to negotiate and keep the peace among rival inmate factions.
4. Discontinue accepting inmate violence as a "given" and establish a management premise that violence can and will be substantially reduced by positive means.
5. Provide full work/training opportunity for all able-bodied prisoners.
6. Give greater emphasis to the positive time reduction features of work/training participation statutes instead of accentuating its negative time extension aspects.
7. Substitute the current "dead end" principle that the only purpose of imprisonment is punishment and re-engage the conviction that inmates can be assisted to lead law abiding lives when they are returned to the mainstream of society.
8. Dispense with the failed notion that the use of weapons, segregation units and prolonged lockdowns are effective long-term means of control.
9. Establish the foundation for an improved "climate" by housing both Level III and Level IV prisoners at Folsom (and San Quentin).
10. Legislature declare a moratorium on "tough on crime" sentencing bills until CDC can reduce its current over-population workload to a more manageable level, via additional prisons now under construction.
11. Accept court imposed conditions as a means of improving conditions and operational effectiveness at Folsom and other prisons.

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CONCLUSION:

Conditions at Folsom, and elsewhere in the CDC, will not improve until the population crisis begins to abate and staff develop and share a commitment that the unsatisfactory status quo can and will be replaced by more effective methods of prison management.

LHF:bh

