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# California's Prisons: California Institution for Men

Joint Legislative Committee on Prison Construction and Operations

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# CALIFORNIA'S PRISONS

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## California Institution for Men

Fifth of a Series of Hearings  
Held by the

**JOINT LEGISLATIVE COMMITTEE  
ON PRISON CONSTRUCTION  
AND OPERATIONS**

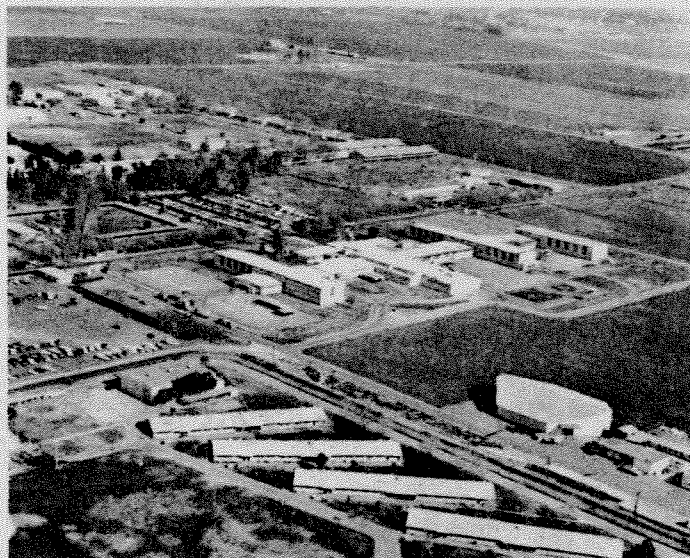
*Senator Robert Presley  
Chairman*

*California Legislature*

*November 28, 1983*

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DANIEL BOATWRIGHT  
ED DAVIS  
ROBERT PRESLEY



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**CALIFORNIA INSTITUTION FOR MEN  
PRESENT PROBLEMS; COOPER AFTERMATH; FUTURE NEEDS**

HEARING BY  
JOINT COMMITTEE ON PRISON CONSTRUCTION AND OPERATIONS

**LAW LIBRARY  
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NOVEMBER 28, 1983  
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CALIFORNIA INSTITUTION FOR MEN, CHINO

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Legislators Present at Hearing

Senator Robert Presley, Chairman      Assemblyman Byron Sher, Vice Chairman  
Senator Joseph Montoya                      Assemblyman Charles Bader

Staff Present

Lewis H. Fudge, Consultant              Robert E. Holmes, Consultant  
Barbara Hadley, Secretary

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84-6-076

## HISTORY OF CIM

Geographically, the California Institution for Men (CIM) is the Department of Corrections' largest institution. The entire complex comprises more than 2,500 acres of land in the dairy farming and commercial developing area three miles south of the business district of Chino.

When it was opened as California's third correctional institution in 1941, CIM was unique in the field of penology and quickly became known as the "prison without walls," to meet rehabilitation needs of selected offenders. Kenyon Scudder was the institution's first Superintendent.

CIM maintained its innovative image for many years and was world renowned for its policies and programs.

Since 1941 CIM has been much expanded and now consists of several facilities with different missions. They are as follows: (1) CIM-Minimum, which houses selected Level I prisoners; (2) CIM-RCC, which is the Reception Center for newly sentenced prisoners from the 14 Southern Counties; (3) and CIM-East, which houses Level III inmates. In addition, the RCC operates a Special Security Unit - Palm Hall - for inmates with serious management problems. Industries include a dairy and farming operations, a laundry, and factories for textile and wood products.

On November 1, 1983 there was a grand total of more than 4,000 prisoners confined at the CIM complex.

A principle reason for this hearing was to evaluate CIM progress toward meeting recommendations made following the Committee's Investigation and Hearing into the Escape of Kevin Cooper from CIM on June 2, 1983. The Department of Corrections, Attorney General's Office and the San Bernardino County Grand Jury also conducted investigations.

On July 22, 1983, the Joint Committee on Prisons published a Conclusions and Recommendations Report on the Kevin Cooper Escape and Mass Murder Incident.

A perimeter fence with gun towers is being erected around the CIM-Minimum Security Facility, as of early November.

Several hundred inmates found not suitable for CIM-Minimum housing were transferred to other institutions.

CDC staff members have stated that extensive changes have been made in CDC and CIM-RGC Classification Procedures to insure that errors and omissions such as occurred in the Cooper Incident do not occur again.

Among Joint Committee recommendations in this area were: (1) computerize CDC and CIM-RGC inmate files; (2) review and update CIM-RGC Classification Procedures Manual to reflect current policy, taking into consideration the severe workload pressures and shortened processing time; (3) date stamp and initial all incoming information on each inmate at each stage of the classification process; (4) color code Central Files and 103-B Custody Cards to reflect Holds, High Violence or Escape Potential, etc. etc.; (5) consider return to use of Summary Page at front of Central File.

# Prison overcrowding

By MAE TATE  
Staff Writer

Severe overcrowding in the state prison system may ultimately lead to increased violence and riots, according to speakers testifying before a joint legislative committee Monday in Chino.

Local citizens, law enforcement agents and prison officials agree that procedures have improved considerably at the California Institution for Men, but felt the "time bomb" of impending violence is ticking away in Chino and throughout the state with vastly overcrowded prisons.

These comments were made before the state Legislature's Joint Committee on Prison Construction and Operations at the Chino facility Monday. The hearing, chaired by Sen. Robert Presley, D-36th Dist., was the fifth in a series held throughout the state to investigate prison conditions, oversee the construction of more prisons and explore means of improving prison operations.

CIM Superintendent Midge Carroll appealed for more money, computers and employees to more effectively meet the responsibility of administering a prison.

Don Novey, state president of the California Correctional Peace Officers Association, pleaded for better equipment, more prisons and improvement in the ratio between officers and inmates so that officers can better control prison violence and decrease the danger to employees and the public.

CIM inmates Tony Pewitt and R.C. Jenkins asked for relief from the inherent problems of overcrowding and for upgrading the qualifications for the men and women who guard inmates.

There are 4,000 inmates at CIM, a facility designed to handle 2,680 inmates.

And prison officials say the situation will worsen with recent court cases that ordered the end of double-bunking of prisoners at San Quentin and changes at Folsom.

Daniel McCarthy, new director of the California Department of Corrections, said it is imperative that the inmate population increase in CIM's minimum security area, beginning in January 1984. The reduction in the past 5½ months occurred when vacancies weren't filled so new security measures could be installed.

Presley and Assemblyman Byron Sher, D-21st Dist., were the only committee members present at the hearing. Sen. Joseph Montoya, D-26th Dist., and Assemblyman Chuck Bader, R-65th Dist., were also present.

The hearing began with Carroll's report on improvements made at CIM since Kevin Cooper's escape in June. Cooper is accused of killing Drs. F. Douglas and Peggy Ryen, both 41 and chiropractors, their 10-year-old daughter Jessica and 11-year-old Christopher Hughes, a neighbor boy who spent the night with the Ryen family in their Chino Hills home.

The murders occurred three days after Cooper escaped CIM.

Officers and prisoners both said Carroll had repeatedly asked for additional fencing and improved security measures when she took over the CIM administration. But her attempts, they said, had been met with resistance until the Cooper escape.

Since then, new measures implemented by Carroll, with state Department of Corrections and legislative approval, have included centralized processing of inmate paper work, hiring of 12 new employees in the records department, installation of a 12-foot-high fence and four watch towers around the minimum security area, installation of a flashing blue light and provisions for radio and newspaper bulletins to notify the public of escapes, coordination with the Chino Police Department, San Bernardino County Sheriff's Department and the California Highway Patrol in event of escapes, increased prison patrols and bimonthly meetings with community residents and officials.

There have been no escapes since Cooper's. Carroll felt the new procedures would increase individual accountability. She said she could take no punitive action against any employee in the Cooper escape because three investigations couldn't determine exactly who was to blame.

Carroll said increased computer terminals would give CIM access to state and national information on holds, warrants, detainers and alias names for each inmate coming into the central reception area.

The most critical remarks of the day were offered by Novey and Ray Feldmann of the peace officers' organization.

"Throughout the state, officers are tired and have had more than they can take," Novey said. "Sixty-five percent of the inmates are in for dangerous crimes and assaults on staff have increased 400 percent." Job-related deaths for prison officers are double that of CHP officers, he said. California prisons have gone "beyond borrowed time."

Feldmann said California has never faced the most tense "of all possible crises — prison riots with hostages held by desperate men with demands." He said tough laws have doubled the number of felons in state prisons.

"Prisoners are double-celled and packed into corridors, storage rooms and gymnasiums. All the conditions and ingredients that made Attica and New Mexico are present in California prisons. They haven't exploded because of good luck and people who run the prison who have made the best out of a bad situation. There have been minor flare-ups, but we haven't had the big one yet.

"But if things don't change and change fast, we will have the big one and soon. Unless California catches up with the prison population explosion . . . God help the people in the public," Feldmann said.

## Prison guard morale nearing 'crisis' level

CHINO (UPI) — Prison guards say the problems of inmate overcrowding and declining morale among correctional officers were ignored by officials until the escape of accused multiple slayer Kevin Cooper.

"No one paid attention to us until the Cooper case," Ray Beltran of the California Institution for Men, Chino, testified Monday at a legislative committee hearing held at the prison.

At the hearing, area residents praised the state for beefing up security at the Chino facility after the Cooper escape but expressed concern that new efforts to ease crowded conditions could lead to more violence at the prison.

Cooper escaped from the Chino facility on June 2. A Chino Hills

family of three and a neighbor boy were found slashed to death a few days later. Cooper was apprehended about two months later in Santa Barbara.

Beltran warned the committee that the overcrowding and officer morale problems are at crisis proportions because new prisons are not being built fast enough and equipment such as guard trucks are in adequate or dilapidated.

"Not one of our California governors have had to face the most tense situation of a prison riot where hostages are taken," he said. "Make no mistake, all the conditions that made Attica and New Mexico explode are here."

Beltran said riots have been avoided only by "good luck and

employees who have made the best with what they've got."

"We have some pressure cookers," added Don Novey, president of the California Correctional Peace Officers Association. "We're tired and we've had more than we can take."

The chronic problems were reviewed by the Joint Committee on Prison Construction and Operations, which was told by officials that there were 22 escapes from the minimum-security Chino prison in 1982 and 12 in the first six months of this year but there have been none since the Cooper escape.

Daniel McCarthy, the new director of the Department of Corrections, briefly outlined his steps to change the security classifications

for convicts to ease crowding.

Neighbors of the Chino prison told the committee they were skeptical about plans to reduce crowding.

"We're concerned with reclassification and the possibility that this institution will be turned from (minimum security) to (maximum security)," said Brenda Tatro, a Chino resident active in monitoring affairs at the prison since Cooper's escape.

"We were told in July this would not take place," she said. Her concerns were echoed by other members of Pro-Cal, which is lobbying for construction of new prisons, and members of the Chino Citizens of Chino Hills.

The Department of Corrections

has begun giving new classifications to prisoners in an attempt to reduce the number of convicts who must be housed in such maximum-security prisons as Folsom and San Quentin.

The state has four classifications for convicts — from minimum to maximum security.

The state is under federal court orders to halt the practice of housing two convicts in cells designed for one.

McCarthy told the committee that the reclassification was needed because of the court orders and to cope with an overflow of inmates.

He said the inmate population has increased by 100 per week during the last three years, and that 37,000 convicts are being held in prisons with a capacity for 25,000. McCarthy noted

that new prisons will not house any inmates until 1985.

The neighbors had praise, however, for steps taken to boost security at the prison, which is surrounded by fields where cows graze.

When Cooper arrived at Chino, he was shunted into a minimum security area from which he escaped although he had a record of violence in Pennsylvania. His records were misplaced and the situation was confused by his alias.

The state responded with a new 12-foot-high fence, improved alert systems for law enforcement and more careful handling of prisoner records.

"We've seen great improvement," said Linda Cummings, another Chino resident. "I feel safer. I know a lot of area residents do, too."

## AGENDA

10 a.m.

Opening Remarks - Senator Robert Presley, Committee Chairman

10:10

### INTERNAL CIM IMPROVEMENTS TO PREVENT ESCAPES; APPREHENSION

What classification system changes?	CIM Supt. Midge Carroll
Disciplinary actions as result of Cooper escape? Why or why not?	Deputy Supt. Mike Madding
Progress on fencing, mobile patrols level today? Other steps?	Joann Gordon, Classification-Parole Assoc. Supt. Bob Bales
Number of escapes since Cooper?	Daniel McCarthy, Director, Dept. of Corrections
Other increased internal security measures?	

### LEVEL OF INCREASED COORDINATION WITH LOCAL CITIZENS

Progress on citizen notification system, phone trees	Supt. Midge Carroll
Sirens or visual alarm systems?	Associate Supt. Bob Bales
Level of ongoing coordination in security and other areas	Mrs. Brenda Tatro, Mrs. Linda Cummings, Mrs. Lorrie Ivie, Chino citizens of Chino Hills and of Pro-Cal, statewide prison issues group.

### LEVEL OF COORDINATION WITH LOCAL LAW ENFORCEMENT, MUTUAL AID

Is there a written mutual-aid agreement with Chino PD, sheriff's depts., CHP?	Supt. Carroll
If The Cooper escape situation were to recur, would any changes be made in the search procedure? Why or why not?	Chino Police Chief James Anthony
Would YTS conversion necessitate search procedure changes?	San Bernardino County Sheriff Floyd Tidwell or Assistant Sheriff Bill Abernathy
Do CIM, CRC, CIW provide mutual assistance, manpower in searches?	CHP Captain "Spike" Helmick

Continued on back



11:00

OTHER CURRENT PROBLEMS AT CIM, POSSIBLE SOLUTIONS

Violence level, number of serious incidents, tension level?	Superintendent Carroll
Overcrowding: Impact of reduction in CIM-Minimum population?	Deputy Supt. Mike Madding
Prison industries? Full employment? Number of off-reservation work projects and escape level?	Chief of Maintenance Mike Bunnell
Training problems: any impact from Corrections' new training program	Dr. William Sigurdson, Chief Medical Officer
Any gang problems, lockdowns?	
Any expansion plans? YTS situation	
Level of medical care, ability to handle multiple injuries?	

11:40

STAFF INPUT: TURNOVER LEVEL, OVERTIME, DANGER LEVEL

Ray Beltran, CIM Chapter President, California Correctional Peace Officers Assn. (CCPOA)  
Don Novey, State President, CCPOA  
Norman Huffaker and Scotty Arbuthnott, Field Representatives, California State Employees Assoc. (CSEA) Noon

INMATE INPUT

Tony Pewitt, Level 2, Reception Center; R. C. Jenkins, Level 1, murder second degree.

12:20

COMMENTS FROM AUDIENCE

2 p.m.

LEGISLATIVE, STAFF TOUR

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## TRANSCRIPT OF HEARING

SEN. ROBERT PRESLEY, Chairman: This is the fifth hearing of the Joint Legislative Committee on Prison Construction and Operations, and it's the second one that we've held here regarding the Chino situation. The other one wasn't in Chino itself. Back in June there was a hearing held in the City of Ontario on the question of the escape and murders that occurred during that time. But this is the fifth hearing we've held statewide. The first one was at San Quentin, then at Folsom, then at Tracy, then at Tehachapi, and as you see, we're working on our way south. So we're now at the California Institution for Men and tomorrow we will be at the California Rehabilitation Center and the Women's Prison at Frontera.

Basically today at this hearing we want to find out two things. One is, what has been done to improve the situation security-wise as it pertains to this prison, since that tragedy last June. The second thing is to examine the same problems that we have examined in the other prisons involving overcrowding, and all the other associated things that go along with that.

What we would like to do, as we have also done at the other prisons, and that's have the witnesses come up as they are already in place here, and take it sort of by category. And the first category will be the internal improvements to prevent escapes, apprehensions, and that sort of thing. If everyone has an agenda we'll try to work right through that, so anyone that's here to speak will know about when you're going to be coming on, and we hope we can keep within the schedule. So we'll start then with Mr. McCarthy. Would you like to start....

DAN MCCARTHY : No, Senator, the only reason I'm here is later on to respond to some of the questions. But by and large, Superintendent Carroll will be handling that responsibility, most of the questions that you are proposing.

SEN. PRESLEY : Okay, as each witness begins to speak, would you identify yourself, because it will be transcribed and recorded, and we'll have to know who is speaking?

MIDGE CARROLL : Do you want me to start?

SEN. PRESLEY : Yes, Please.

MIDGE CARROLL : Midge Carroll, Superintendent, California Institution for Men at Chino. Do you want us to introduce ourselves or do you want me to talk about these.....

SEN. PRESLEY : Why don't you just go ahead and tell us what you had in mind to tell us, and then as each one adds to it, they can identify themselves at that time.

MIDGE CARROLL : Okay, I'd like to talk about these changes that have been made in the escape pursuit procedures and the revisions of the escape pursuit plan.

SEN. PRESLEY : You may have to speak up. I'm not sure people can hear in the back.

MIDGE CARROLL : I want to speak about the changes in the CIM local procedure which is called the escape pursuit plan. We have revised the plan completely, with the assistance of the Chino Police Department and the San Bernardino Sheriff's Department. The plan includes mobile command centers, stationary and mobile posts, escape kits for all the dispatch staff that go out into the field, use of helicopter via the request through Chino Police Department, and dogs we would request through Chino Police Department. We have established

a notification system of local citizens through six separate radio stations, a telephone notification through nine local citizens that would then set up a system to notify others. Also escape flier bulletins would be placed out at our front gate and would be picked up by the citizens we contacted to be posted in the local community. And we have put up a flashing blue light atop our water tower to let the local community know when we would have an escape in progress. We have also met with local law enforcement agencies to prepare for this plan and their contributions. We've also used CIM staff, custody staff in the plan, and we have the signatures of approval from Chino PD and the Sheriff's Department.

In one of the other areas that has been brought up through the task is in the control of paper work at the reception center. Several important changes have been made. The Department has reestablished a form called CDC-112, which is on the left hand side of each central file. This keeps a systematic logging of everything that happens to that inmate legally, and it's right in that file, and if there are any holds, wants and detainers, they are submitted in red.

Then they've also devised a new form which is called 850, and that's also a red flag which is on the right hand side of the file that will tell anyone opening up that central file that a hold, want, or detainer is pending.

Locally, we have made several changes with our paper work processes. All holds, wants, and detainers are processed the same day they arrive at CIM. A log is kept recording the date it's received, the action taken, and by whom. Another log has been established so that that central file, whoever uses it during this

making up of the central file process, has to sign so we won't be losing, we cannot misplace, we will always be able to hold someone accountable for having that central file.

SEN. PRESLEY : Had this been in place in June or May, would that have prevented the Cooper escape?

MIDGE CARROLL : I think it would have helped us at least, Senator, find out who had the file, which has never been determined at this point. It sets up a very strict accountability as to who has that file in hand.

SEN. PRESLEY : Then you say, you still haven't found out who had responsibility for that file on the previous occasion?

MIDGE CARROLL : No, out of three investigations, none of them gave information to me, and we could not determine who actually had that file during the period of time the holds, wants and detainers apparently were not put in it.

SEN. PRESLEY : Do you think now you have that pinned down so that you can assess responsibility?

MIDGE CARROLL : I think we have it pinned down, yes. I feel very comfortable with it. In fact, I had central - I had our headquarter records people come and take a look at what we had implemented here, and they said they thought it certainly was more than enough to keep track of holds, wants and detainers.

SEN. PRESLEY : Then you think had that been in place in June that we probably would not have had that tragedy?

MIDGE CARROLL : We would not have misplaced the holds, wants, and detainers.

SEN. PRESLEY : Are you going to talk about the classification system? Have you improved upon that, or maybe you just haven't gotten

to that yet?

MIDGE CARROLL : I haven't gotten to that yet. I wanted to go over some of the other things we were doing at the reception center.

SEN. PRESLEY : While I have you interrupted, how many escapes, if any, have you had since last June?

MIDGE CARROLL : None. We've had a couple of attempted, but we haven't had an actual escape.

SEN. PRESLEY : None. Let's see, we're in November now. How many have you had this year?

MIDGE CARROLL : I think about eight. How many? Twelve.

SEN. PRESLEY : And they all occurred prior to June?

MIDGE CARROLL : From January to June.

SEN. PRESLEY : And how many did you have last year?

MIDGE CARROLL : I think it was 22.

SEN. PRESLEY : Twenty-two? It looks like your record is improving.

Let me introduce to my right, who just came in, Senator Joseph Montoya, from El Monte. Is that close enough?

SEN. MONTOYA : In that area.

SEN. PRESLEY : In that area. And since I've introduced Senator Montoya, let me introduce also to the far left over here, the consultant to the committee, Lewis Fudge, who had many years of experience with the Department of Corrections; and to my immediate left the committee secretary, Barbara Hadley; and to my far right--and these lefts and rights don't mean a thing, the other committee consultant in my office, Bob Holmes. Okay?

MIDGE CARROLL : Okay. Another thing that we've done is that



we now date and time stamp all incoming documents to the reception center. We also get a paper flow audit to see if we could more efficiently run the paper through the record process. And we've made some revision in that area. During the Cooper incident, we had three separate mailrooms at CIM, and all three, it was possible that all three could be receiving holds, wants, and detainers, and additional commitments through the mail. So we have consolidated to one mailroom. And there is a person in the mailroom designated to read all these documents.

SEN. PRESLEY : Has there been any change in the court's procedures in terms of sending in subsequent - what do you call those?

MIDGE CARROLL : Additional commitments?

SEN. PRESLEY : Yes, additional commitments.

MIDGE CARROLL : No, they still send in additional commitments and this is a very difficult problem for us to cope with. Because often times they come in under aliases, and that is all that we get. And so, then, it's on us to find out who in our system does this additional commitment belong to.

SEN. PRESLEY : Have you had any improvement or speed up in the ability to get information from the State Department of Justice and the FBI on prior records, holds and that sort of thing?

MIDGE CARROLL : I would have to ask Mr. Mitchell that. Is he here? I have a correctional counselor too, who is dealing with the holds, wants, detainers and additional commitments as a special assignment to set up our system. And the last report that I had from him said we have had an improvement in communication with other agencies since Cooper. They are more willing to assist us.

SEN. PRESLEY : No, what I meant was the - getting information

timely from CII in Sacramento and the FBI?

MIDGE CARROLL: I don't think we've had any improvement in getting it from CII.

One of the other things that we're doing to help the classification process at the reception center is we're working on a proposal to submit to Mr. McCarthy that would increase our computer terminals, and the one we want to put into central would be one that would give us access to any information -- holds, wants and detainers, and any AKA's that the incoming inmates into the prison system might have that would not show up, on the papers, that they are sent to us from the County. In other words, we would be able to get our own information directly from the computer on our new inmates. We would not be dependent upon other agencies. We're not through with that yet, but we will have that done in and completed within about two weeks to submit. In other words, if we get AKA and he gets a commitment, we would be able to ascertain that.

MIKE MADDINS : What they're mainly talking about is hooking into the Cleets program in the state law enforcement network, and this would answer your question concerning the CII reports....

SEN. PRESLEY : Timely information.

MIKE MADDINS : Timely information.

MIDGE CARROLL : Then we have received 12 additional positions in our records office, which has helped us tremendously. So we have additional people working in the offices themselves.

One of the other major questions that I would like to address is what measures have been taken to enhance security. Immediately after Kevin Cooper escaped, we put up outside patrols, 24 hours a day on the minimum perimeter around all of CIM, seven days a week,

24 hours a day. We reviewed all the cases on CIM minimum proper to see if there were any others who might mistakenly be placed. Thirty were removed. We established an intake dorm.

SEN. PRESLEY : Thirty were removed, what do you mean by that?

MIDGE CARROLL : Thirty cases, when we did a review, we decided were not placed appropriately on the minimum yard so we.....

SEN. PRESLEY : They were potential "Cooper's", right?

MIDGE CARROLL : We felt that they.....well, they may not have been potential "Coopers", but there was something in their file that we thought.....

SEN. PRESLEY : Potential escapes?

MIDGE CARROLL : .....made them too risky for minimum, so we removed them. And we've done this practice ongoing. We established one dorm where all the new men coming into minimum go and are screened and reviewed. And they stay there under lock and key, and they never leave the dorm - even to meals they are escorted out - until we're sure all the trailing paper work has caught up with the inmate.

Then we implemented a noon count on the minimum side. Plus we are in the process of completing a 12 foot security fence to close in the minimum facility. And we did add some razor tape to the fence behind the central facility. So those are the security areas that we improved.

SEN. PRESLEY : What happens - I understand that even though you have that security fence, in foggy mornings, that it is still very difficult to observe.

MIDGE CARROLL : It is.

SEN. PRESLEY : Do you have a plan for foggy days, as opposed

to a day like this? What is it?

MIDGE CARROLL : Yes, we do. Yes, the plan is that you don't release inmates to normal routine functions until the fog clears, and so you hold up the work schedule, because we don't release them to work until we can see them. And we have a long distance between our towers on our new fence, and visibility will be impossible. It's called fog procedure, and they've always had it here.

SEN. PRESLEY : Does it call for additional patrols, fence patrols?

MIDGE CARROLL : Additional patrols, yes. Yes it does. And you simply don't allow inmate movement until you have some visibility. That's what it amounts to. If you have to move inmates to cover an emergency area, that's done by an S&E Officer.

SEN. PRESLEY : Is that it? Let me ask you also, before we go to the next witness, do you feel that you have completed all of your improved security measures, whether it be paper work, computers, fences, have you completed all that, or is there still more to be done?

MIDGE CARROLL : I think there is more to be done. I think as we go through the pressures of more and more inmates coming into this place, more and more things come up that are brought to my attention. And the other thing is that all the staff here now are sensitized to reviewing. People here are no longer just accepting this is the way we've done it for 25 years. So I'm getting a lot of suggestions from the staff here on how we can simplify or improve procedures, and streamline them and make them more security. So I don't see us as being done. I think we've handled the bulk of what created a Kevin Cooper situation, but I think it's going to be an

ongoing improvement.

SEN. PRESLEY : In terms of costs, are you getting whatever it takes to improve the security, moneywise?

MIDGE CARROLL : Well, it was slow. Like we tried to get our time-stamp machine during the freeze, and it took us about four months to get a simple time-stamp machine because of all the procedures we have to go through to get something during the State Budget freeze.

SEN. PRESLEY : But you're getting it?

MIDGE CARROLL : We're getting it, it's not quite as rapid as we'd like.

SEN. PRESLEY : Nobody's saying, No, that you can't have money to build a fence, or nobody's saying, No, that you can't have - I think you said you just had 12 additional people who work in the records section?

MIDGE CARROLL : Yes, that was a big help. That was a tremendous help and was also a great morale boost for the people working in the records operation.

SEN. PRESLEY : So it sounds like you've tighten up the procedures a lot. I guess it's reflected in the fact that you're saying you have not had an escape since June, successful escape, you've had two attempts, but they didn't get away. And you had 22 last year, and so far 12 this year, and none since these improved security measures have been taken. Okay.

MIDGE CARROLL : Correct.

MIKE MADDING : My name's Mike Madding. I'm the Chief Deputy Superintendent of CIM.

The second bank of questions deals with our progress on notifying the citizens in case of an emergency. And I'll just go over it quickly, to reiterate what the Superintendent has already

said. The meetings with the Chino local citizens committee are continuing to keep communication going on with that group. In case of an escape or emergency, we do have the arrangements with local media to get the notification out quickly. The escape bulletins will be out at our front gate and accessible to the citizens.

SEN. PRESLEY: Let me interrupt you, sir. Can you hear in the back? I think we're going to have to.....since we don't have any amplifiers, I think we're going to have to speak up a little louder than usual. As long as I have you interrupted, let me introduce Assemblyman Byron Sher, to my second left, the Chairman of the Assembly Criminal Law and Public Safety Committee. They have another name for that, but Criminal Law and Public Safety Committee. And to his immediate left is Assemblyman Charles Bader from Pomona.

MIKE MADDING: And we did install our blue circulating light, which is the signal. Once we have determined an escape has occurred, if that ever occurs again, we will activate that light, which will also be a means of notifying the citizenry in the area.

SEN. PRESLEY: How often are your meetings? Once a month with the group?

MIKE MADDING: No, our meetings are twice a month now, and that's ongoing.

SEN. PRESLEY: Well, since you're not having any escapes, what do you have to talk about?

MIKE MADDING: Current things that are going on at CIM. There is still a lot of interest, and the committee is still very active.

SEN. PRESLEY: Do you feel like you're keeping them well informed on what's taking place here in terms of numbers coming in,

numbers going out, security, enhancements, everything that citizens of this community would be interested in knowing about this institution, is that right?

MIDGE CARROLL: I will answer that, if you don't mind my interrupting, because I know, I think, a little bit more about it. We're meeting - our mission is two-fold now. One is to keep in touch with the citizens so the gap never exists again between the institution being so isolated in the community. And we do keep them abreast of changes we're making, like all the changes I was telling you we share with the committee. And the committee has been, I think, very supportive of our efforts to tighten up and improve the procedures at CIM. And we're now working jointly to help CIM become a contributing member of this community, not just the prison. For example, we're doing work, we have inmate crews going out to Ruben Ayala Park to do upkeep on the park; we're now getting ready to send inmate crews out to the City of Chino to do some painting for their city buildings; we're setting up to have childrens toys renovated and brought in to Elm Hall, which is where our elderly men and sick men, who normally don't work, could be doing something useful for the community. We've met with the city manager and we've met with the Chamber of Commerce, and we're doing a lot of things right now through the citizens committee, to bring us into the community and the community into CIM so that we can work better together. And I think it's really working well in that respect.

MIKE MADDING: One of the things I would like to bring to your attention is that since we've put together our new escape pursuit plan in coordination and in conjunction with the local law enforcement, we have on occasion, for different reasons, taken emergency counts, and

put ourselves on escape alert, and we have found that the procedure works. The communication with the local law enforcement and our plan for deployment of existing staff has been very effective. These have all been false alarms which we are very thankful for. But because of our normal routine and some of the reports that we have had from citizens of a possible escapee near our boundary, we have put our procedures into effect and they have worked well.

BOB BALES: My name is Bob Bales. I'm the Associate Superintendent in charge of the minimum security facility. I don't believe I have anything to add at this time to what's been said by Miss Carroll and Mr. Madding. I will be available for questions should the committee have any.

SEN. PRESLEY: Where are we in terms of capacity here at this prison at the present time? Are we overcrowded, undercrowded.....?

MIDGE CARROLL: We have a two-fold problem. Ever since Cooper escaped from the minimum facility, that population has declined. It was 1,651, in fact it was up to 1,750 I believe, the day that Kevin Cooper escaped. That population is now down to 975, and that population is down because of some procedural and classification changes made, so that inmates no longer come to minimum directly from a reception center. They would do.....start out at six months at another facility and then come to CIM and then it was changed to three months. And what this has done is really put those inmates that normally would have come to Chino minimum in other institutions or backed up in our reception center. Our Reception Center, Central, its design capacity is 618 people and we run from 1,200 to 1,300 in there any day of the week. We're down this morning 1,141 because the buses haven't yet



come in this morning.

SEN. PRESLEY: 1,141, one thousand one hundred and forty-one, and it's designed to hold 618. Our east facility is designed for 400 people, it has 783 in it. And west, which is directly across from us, is designed for 640 and it has 1,067 this morning. So we're packed everywhere except minimum, and we would be if that criteria hadn't been changed.

DANIEL MCCARTHY: Senator, I'm Daniel McCarthy, Director of the Department of Corrections. The main reason that I'm here today is as indicated by Superintendent Carroll. There has been a concerted effort made by the staff here, and the Department, to speak to some of the shortcomings that happened in regard to the Cooper escape. At that time, we did make certain concessions and promises to the Legislature and also to the community concerning how we would handle the intake at California Institution for Men. The main one that I'm going to be speaking about is the main institution itself, which Superintendent Carroll just indicated has dropped from above 1,700 to the 975 level, which it is this morning. And it has been steadily declining. As she indicated, this was brought about by two decisions at the Central Office level - 1) of not sending anybody directly to Chino main institution from the reception centers and 2) that this in itself has caused tremendous dropping in our population. I'll be speaking about several of your questions here. The impact has been that on our industry's operation in CIM proper we're down over a hundred people that should be working in our industry. I would like to see that, not only that 100 being there, but even increase the size of industry here within the

institution. And then also in other critical areas, as you have asked in your questions, such as in the academic and vocational areas where we have over 300 assignment vacancies in these particular vocational and academic shops. Altogether, there are 1,623 assignments in CIM proper and currently there's only 817 of them filled, so about 50 percent of them right now are vacant. The key to the whole question is can we, the Department, afford to leave 700 beds vacant here at the main institution? Throughout the Department we have a tremendous overcrowded situation. Since we made these concessions early in June, we've been hit with a couple of extremely difficult court orders, the Toussaint case and the Wilson case, which have caused us to lose in excess of 1,000 beds at San Quentin and now at Folsom. Additionally to this, I have been on record supporting your early release bill. This didn't materialize out of the Legislature last year. We additionally asked for the Youth Training School, which we still would have an interest in. This was denied to us. But all in all, when you look at all these things, we're talking in terms of 3,000-4,000 beds that the Department was counting on and all of a sudden, it's been taken away from us. Based on this tremendous overcrowded situation that we have throughout the department, I had no alternative but to indicate - and some of the reports and some of the questions that the concerned citizens of Chino have brought up was a concern - would there be Level Twos sent to Chino after the fence and the towers were put in place. And I have to respond at this time, unfortunately, come January there is no alternative. I've searched and researched everything possible and there is just no possible way that I can get around not putting in what we call "light weight Level Twos" directly into Chino. I can assure everybody that, foremost in our mind, is still

the security of the institution. We will watch the escape rate very closely and monitor it very closely. The cases we're talking about are mainly going to be property offenders that will be screened. Right now the majority of these cases we're sending over here to the California Rehabilitation Center, which is a short distance from here. Some of these people we have already looked at already and found that they're suitable for here. All we can do is assure everybody, as Superintendent Carroll has already indicated, that we're screening the files, and if there is any indication whatsoever that we're missing any information or the information isn't available to us, the commitment not to leave them here at Chino proper is still in effect. And I have indicated that these people will still be sent to other institutions until these concerns have been cleared up. But I do see that there are certain people, and especially if we get hooked into the Cleet system where we have immediate response of the criminal backgrounds and things like that, if we have all the information in place while the person is still in a reception center, instead of sending them off somewhere for six months, that they would be suitable for correct placement at CIM. Only by doing this will we be able to bring the count up to where it's supposed to be at Chino. Right now, with their releases and things like that, it takes us over 200 a week just to keep up with the turnover that they're experiencing right now. If we don't do this, if we don't take anything like that approach at this current time, all we're going to be doing is falling further behind. Right now, the Chino Institution proper is staffed to handle over 1,600 inmates, and here they sit there with 975. Again, either one way or the other, I have to either re-access staff ratio, things like that, or change staff, which staffing isn't going

to be too happy about. I would much rather see us have them and send people to Chino, that I feel confident they're capable of handling without directly affecting the safety of the community.

SEN. PRESLEY : Let's see if we can get this in perspective a little bit. It may be confusing to people. The Superintendent testified about your overcrowding in certain sections. Are you divided into about four sections here?

DANIEL MCCARTHY: Right.

SEN. PRESLEY : So level four is overcrowded?

DANIEL MCCARTHY: Level three which is CIM East is.....

SEN. PRESLEY : That's overcrowded?

DANIEL MCCARTHY: ....is 190 percent of designed capacity. Both the receptions units are overcrowded.

SEN. PRESLEY : How about your reception center, I think you said that's always overcrowded?

MIDGE CARROLL : They are extremely overcrowded.

DANIEL MCCARTHY: They're both 180 percent overcrowded.

SEN. PRESLEY : And then level Three - what was the third one?

DANIEL MCCARTHY: Both of the reception centers.

MIDGE CARROLL : There's West and Central, both reception centers, both overcrowded.

SEN. PRESLEY : So those three units, high security are all overcrowded, but you are under capacity in the minimum security part?

MIDGE CARROLL : Right.

SEN. PRESLEY : And that's what you are speaking to, Mr. McCarthy, right now?

DANIEL MCCARTHY: That's right.

SEN. PRESLEY: And you were saying before - as I understand the procedure before this change that you're anticipating making January 1, was that people would come to the reception center to be classified and sent to some other institution in the state for a period of six months?

DANIEL MCCARTHY: Six months, that's correct.

SEN. PRESLEY: And then be further classified, and if they are minimum, be brought back here? Is that the idea? And the change that you are anticipating is to keep them in reception for 30 days? And go through this process of classification? And instead of sending them somewhere else for six months and then back here, they'd come - they'd go.....

DANIEL MCCARTHY: Some of them - on a selective basis. And also, as Superintendent Carroll has also indicated, we have set up a receiving unit so there would be additional time when they arrive at Chino proper. There would be more screening at that time to make sure they are appropriate. And any one that - they would each be screened on an individual basis, and I already indicated that Superintendent Carroll, that if any of them that she has any question about, that she feels is the least bit inappropriate being here, that she is to immediately put them back into the Reception Center and transfer them to another institution.

SEN. PRESLEY: Okay, Mr. Sher, and then Mr. Bader.

ASSM. SHER: Mr. McCarthy, let me just make sure I understand the undercrowded situation at CIM. The capacity is, you say, is just over 1,600 in that.....

DANIEL MCCARTHY: Yes, it was just prior to the Cooper escape, it was a little in excess of 1,700 at that time.

ASSM. SHER: And were those beds all filled at that time?

DANIEL MCCARTHY: They were all filled at that time.

ASSM. SHER: So, since the escape it's been brought down from over 1,700 down to 975, and that was done for what reason?

DANIEL MCCARTHY: Well, mainly to improve the caliber of inmates at the main institution at CIM. And in the interim we have been taking all these other steps that we've been discussing, also including putting a fence around the place; we're putting four towers around the place; we're going to initiate an outside roving patrol which they've never had before, so that we will have additional security around it.....

ASSM. SHER: It's operating at about a little over 50 or 60 percent of its capacity in terms of beds.

DANIEL MCCARTHY: Of beds, of what we could put in there. Right around there, what their design capacity is. But there's very few institutions that - hardly any in the department right now - the majority of them right now, especially in the Level Three's, are up in the 190.....

ASSM. SHER: I understand that. When you made the reduction after the Cooper incident, was that because it was concluded that the prisoners that you moved were inappropriate at CIM?

DANIEL MCCARTHY: Well, as indicated by Superintendent Carroll's testimony that they all were reviewed, and there were 30 cases here that was felt that were inappropriately placed here. So my feeling, by and large, the majority of the people who were here at that time could - - - and all I'm saying is that we basically want to put in the same caliber of inmates back in there.

ASSM. SHER: That's Level One, is it? Or Level Two?

DANIEL MCCARTHY: Level One, with light weight Level Twos also.

ASSM. SHER: Light weight Level Twos. Now as I understood the statistics that we received at the time we were considering Senator Presley's early release bill, which was limited to prisoners who were within 90 days of the end of their serving their sentences, and who had committed nonviolent crimes, nondrug related, and nonsex related, that in a period of a year that totalled some 16,000 inmates in the state prisons, or something. That was the Department of Corrections figure that we received. So, in that number, within 90 days of the end of their sentences, committed nonviolent crimes there were 16,000 of them, it seems to me there ought not to be any empty beds at Chino, even in this Level One, light weight Level Two. And that's your position. Is that right?

DANIEL MCCARTHY: Right now I'm having them screened, every institution which has any Level Ones in them, to see if they can be appropriately sent to Chino between now and January. Again, we have to get people in down here. There are a lot of people. And, some of the shortcomings of our classification system, which was spoken to in the Wilson decision, where we have to take a re-look at the whole thing. There is a feeling by many that we're really over-classifying people. And we're supposed to get a report for the court and for the Legislature by January 15, I believe, is our deadline. I have a committee working on that right now. And this report will be available, also to the Legislature, around the first of January.

ASSM. SHER: So you expect to go back to over 1,600 in CIM in January?

DANIEL MCCARTHY: That's what we would like to do, yes.

ASSM. SHER: You expect to do?

DANIEL MCCARTHY: No, no, no, not in January. It would be a gradual build up, but.....

ASSM. SHER : About what time will it be back to 1600? or 1700?

DANIEL MCCARTHY: Off the top of my head, it will probably be March or April of next year.

ASSM. SHER : Thank you.

SEN. PRESLEY : Mr. Bader.

ASSM. BADER : Yes, a couple of questions. Before asking any questions, I would like to commend Superintendent Midge Carroll for her outreach program, if you want to call it that. I can speak from having communicated with quite a few people in the community, and I think it was well worth the effort to just let the community know the problems you're having, and giving them the opportunity to question in the back and forth. I think it alleviates an awful lot of fear. So I would really like to commend you, because I know you have worked long and hard at that.

Do I understand that we're working with three sets of figures - the current population, the design capacity, and then some other figure that is the overcrowded figure - in four different sections?

DANIEL MCCARTHY: That's right, we have an overcrowded figure. Right.

ASSM. BADER : In other words, three numbers for four sections. Could you run us quickly through what those numbers are? What it is today, what the design is, and then what you anticipate in the spring?

DANIEL MCCARTHY: Okay, according - she may have more up to date - but we put out a population report, and at CIM minimum side,



it has a design capacity of 997, and the total that we have here right now is 975. But since this, this was dated November 13..... (two voices at once).....And then we have CIM East, which is a Level Three facility and has a rated capacity of 400. Currently, there's 766 people there for a 191.5 design capacity percentage.

At the CIM Reception Center, which has a rate of capacity of 618, there is currently 1,193, which is 193 percent of its design capacity. At the CIM Reception Center West, which has a rate of capacity of 640, they currently have 1,049, which is 163.9 percent of its design capacity.

ASSM. BADER: Could you run now through the four numbers approximately what you expect it to be in the spring? You said you would build up through March or April to some other number.

DANIEL MCCARTHY: Well, only in the CIM minimum institution. We would expect to have that return to about where it was, that's June of this year, which is around 1,650 to 1,700.

ASSM. BADER: All right. The reclassification that has been discussed. Has that taken place and have there been some prisoners reclassified from say, from Level Two to Level One and transferred here? Has any of that taken place?

DANIEL MCCARTHY: No, well, that's going on all the time. They're assigning this numerical numbering and that puts them in a category. The inmates can get these numbers decreased by good time, participating in work, education and things of this nature, which lowers their scores. So, this is happening right now. We are holding that to just bring in Level Ones here.

ASSM. BADER: Those are the only reclassifications?

DANIEL MCCARTHY: .....and those people who were sent to other institutions after six months being sent back here.

ASSM. BADER: Let me switch gears just a little bit. Right after the Kevin Cooper escape, there was quite a bit of discussion as to a lack of coordination between the prison administration and local law enforcement. Could you maybe touch on the point of how that is being cleared up so that we don't.....

MIDGE CARROLL: I covered that a little bit earlier in the day. But basically, what we've done is set up meetings with representatives from Chino Police Department and San Bernardino County and the CIM representative. In fact, all three agencies had inputs into our new escape pursuit plan. Then, after CIM wrote the plan, it was submitted to them again for review and approval, which they did. And, we've had ongoing meetings with CIM. In fact we had a CIM representative at the local meetings that I attend twice a month.

ASSM. BADER: Last question relative to the blue light. Is it functioning now?

MIDGE CARROLL: It's up and it works, and we demonstrated for our citizens committee one evening, and they told me they were very satisfied with it. It can be seen, I believe, some 15 miles at night. I went out last week myself during the time, some four or five miles away, to see if it was visible. It is a blue light. FCC requires a blue light, so during the day it's not as astounding as it is at night. But, yes, it's up and it does work.

ASSM. BADER: Have you suggested to the citizens what action they should take and should not take if they see the blue light?

MIDGE CARROLL: We've discussed that in our citizens committee meeting and really, what they want, simply is to be notified. And on our escape bulletin, we have two kinds - one will go to law enforcement and one will go to citizens. The one on the citizens, we'll let them know what kind of person has escaped. And, as far as controlling their behavior, if they know there's an escape, I think our escape pursuit plan is a good one. We're very glad we haven't had to test it in actuality yet, but we think it's a good plan. And we have set up field command posts, and we've trained our people. At this point, I think we've done everything we can.

SEN. PRESLEY: Let me ask one other question, I guess I neglected to. On the escape in June, the Cooper escape, were any disciplinary measures taken against anyone as a result of that?

MIDGE CARROLL: No, out of all three investigations that were done, and I sat and scoured very carefully over the reports, I could not pick out any individuals here that I could say, 'It was your fault', or 'you neglected to do this.' Now we have tightened up who handles the records now where they're time stamped and they are initialed. And each time someone deals with that file, we have a log that someone initialed and did thus or so in the file. So, we will never have that kind of problem again. But there is no way to go back. At least none of the investigators who investigated it, could not find individuals that had that file that did not put the wants, holds, and detainers in it, or took them out and misplaced them.

DANIEL MCCARTHY: In response to that, in my assessment of it, if anybody should be held accountable for this, it is the administration at the high echelon within the department. These people weren't given the proper tools.

When I'm talking about the computers, the Cleets hookup and things like that, that they should have had. Here we are the largest department in the United States, and we're still operating back in the Dark Ages. Hopefully, we're going to be coming up with budget proposals for some of these things. They're long overdue, and we should have had them on line years ago instead of waiting for an incident such as the Cooper to bring it to our attention.

SEN. PRESLEY: Saying that, of course, you were not director at that time? (Laughter.)

DANIEL MCCARTHY: Prior to my time. (Laughter.)

ASSM. SHER: Mr. McCarthy, those of us who, in the Legislature, are often - the suggestion is often made - that we ought to run state operations like a business. And, if this had been an incident in the private sector, with the kind of consequences that the Cooper incident had, somebody - changes would have been made. Not only would changes have been made, but someone at least would have been demoted, if not replaced. You don't think that's appropriate in this situation?

DANIEL MCCARTHY: I really don't. I mean, again, the current administration at Chino is all fairly new. We just got through replacing everybody at Chino just a couple of years ago. What they inherited, and what I inherited, it's pretty difficult to hold us accountable.....

ASSM. SHER: .....well, there's nobody left who was in the administration at the time.....

DANIEL MCCARTHY: .....that's what it boils down to.

ASSM. SHER: .....well, that's what we need to hear and that's what the public needs to hear.

DANIEL MCCARTHY: Anybody that knows me, I don't believe in

deceiving anybody. I want to be honest and if there's any fault anywhere, and if it's with myself, I'll be the first one to own up and step down.

ASSM. SHER: To make it clear, that was not my suggestion or implication. I have the highest regard for you, but we have to be responsible to our constituents.

DANIEL MCCARTHY: I appreciate that.

ASSM. SHER: It's the kind of incident where people want to be assured that those who were responsible, if they can be identified, aren't going to be around to be responsible again.

DANIEL MCCARTHY: You can be assured, that won't be the case.

SEN. PRESLEY: All right. Senator Montoya, do you have a question?

SEN. MONTOYA: He said that all of those people were replaced. I'm assuming that you're talking about political appointments then, is that the reason for the replacements?

DANIEL MCCARTHY: Whether it was political and civil service, practically the whole high echelon - an earlier legislative hearing brought up a lot of issues on the operation of Chino and how it was being operated. So, at that time, the superintendent, the deputy superintendent, the associate superintendent, the program administrator were all either demoted or replaced, and this was how long ago?

MIDGE CARROLL: Nineteen months.

SEN. MONTOYA: Okay, so you did - the political appointments, of course, change with the administration - but there were actual civil servants who were fired?

DANIEL MCCARTHY: Yes, it covered the whole gamut.

SEN. PRESLEY: Let me introduce Frank Elder, is he here?

Frank Elder is Senator Ayala's representative. Glad to have you with us.

What we'd like to have happen now is, if Mr. McCarthy and Superintendent Carroll could stay seated, and then let's free up four seats, and have the representatives of the citizens group come up and occupy those four seats. We'll find out if that system is working as well as we think it is.

Now, you are all Chino residents?

JOANN DICKSON: No, we're from Norco - two of us are from Norco.

SEN. PRESLEY: And two from Chino?

JOANN DICKSON: Right.

SEN. PRESLEY: Okay, what we'd like to talk about now is - you heard the Superintendent and others describe the security procedures that are now in effect here, the improvements that have been made since the escape in June. What we'd like to do is have your reaction to that.

LINDA CUMMINGS: I think the first thing we'd like to do is identify ourselves.

SEN. PRESLEY: I'd like you to do that also.

LINDA CUMMINGS: Okay.....

SEN. PRESLEY: We're in agreement on that. (Laughter.)

LINDA CUMMINGS: Okay, we represent a committee by the name of PRO-CAL. Our committee is to promote California State prison construction and organization. To my right is Brenda Tatro, I'm Linda Cummings, this is Joann Dickson and Lorrie Ivie. Brenda and myself are from Chino. We live not far from here. And Joann and Lorrie are from Norco.

SEN. PRESLEY: And what do you call it, PRO-CAL?

LINDA CUMMINGS: PRO-CAL.

SEN. PRESLEY: And that's a new organization?

LINDA CUMMINGS: Well, we have been in effect for a while now. We started originally - a few of us were from the Concerned Citizens of Chino. And when that group disbanded, we became our own committee. And, we are going on a statewide basis, which the Concerned Citizens were not interested in.

SEN. PRESLEY: Now that's - this is all new? The statewide?

LINDA CUMMINGS: Yes it is.

SEN. PRESLEY: And the goals are what?

LINDA CUMMINGS: Okay, our goal - our first goal is to set up Citizens Advisory committees with each prison, providing communication between citizens, city officials, law enforcement agencies and prison officials. We'd like to see mutual aid pacts set up between prisons and law enforcement agencies in the event of a major disturbance; we'd like to see them provide an early warning system to alert local area residents in the event of an escape - at each prison; provide a secure environment for the area residents, as well as humane treatment for inmates by controlling overcrowding in all prisons; provide computerized communication between all state prisons, where they will have the ability to immediately identify and locate any inmate within the system. I understand that the Cleet system was brought up. Now, that is a system whereby through computer you can identify an inmate and get all of his aka's and everything else, all his background. I'd also like to see an additional computerized system, where if you had inmates at one facility and you were going to transfer them, as they do at CIM, then you would be able to log them in

or out of one computer and into another, so they would have instantaneous transference of background material, and you wouldn't have any loss of paperwork on the individuals. We'd like to see the usage of the Clermars frequency on radio communications for all prison vehicles, so that in a mutual aid situation, all agencies would be able to communicate directly. And the Clermars frequency would be the California law enforcement mutual aid radio system, which you may already be aware of. We'd also like to have the prison system free up their information a little bit for their citizens, because it is part of our right as contributors to the prison system that we have some information freely.

SEN. PRESLEY: Does that complete your goals?

LINDA CUMMINGS: Yes.

SEN. PRESLEY: You must have some men in this organization?

LINDA CUMMINGS: Well, at present, most of our men are in capacities where they don't get out and do alot. They're sort of a back up. (Laughter.)

SEN. PRESLEY: But they are members? That's what I said - they're home watching the kids. (Laughter.)

Maybe as long as you're speaking, before we go to the next witness, how do you think the situation is working here in Chino now?

LINDA CUMMINGS: I think that we've seen great improvement, but I think also that CIM needs help in alot of areas, like the computers. I think in a lot of ways, the citizen involvement is absolutely necessary because, as you know, in any kind of a - I hate to call it a bureaucracy, but - in any situation like that, there are channels that have to be gone through. And alot of the time it's difficult for them to get what they need without outside support.



There's sometimes legislation that has to be changed, too. But I think they are doing basically as much as they can do.

SEN. PRESLEY: I guess one of the unfortunate commentaries on human nature is - something terrible has to happen before you get action. And that's the classic case here. It seems that you had to have a terrible tragedy before you got all this improvement. But it's not unique to this situation. If you have an intersection down here that's killing people, well, you get a stop sign after three or four have been killed, unfortunately.

Okay, would you like to.....

BRENDA TATRO: Yes, please. My name is Brenda. I would like to read a statement from PRO-CAL, if that is permissible? Okay. We wish, at this time, to thank the Joint Committee on Prison Construction.....

SEN. PRESLEY: Did you give us your name? Brenda, what was it again?

BRENDA TATRO: Tatro.

SEN. PRESLEY: Tatro.

BRENDA TATRO: We'd like to thank you for letting us attend this hearing at Chino. Since June, we have been involved with the issues that concern many of our state prisons, and California Institution for Men at Chino in particular. We are ashamed to admit that it has taken this long for us as citizens to become involved on issues we should have addressed long ago. We, the public at large, are in many ways to blame for the condition of many of our state prisons. Apathy, in its own way, can be a killer. We have fortunately, had the opportunity, in the last few months, to see firsthand how our city, county and state agencies really work and have found

great support & cooperation from many areas. Our law enforcement agency, city and county, our city officials, legislators and prison officials have gone out of their way to assist us. From this, many things have been accomplished, we feel. A mutual aid agreement between city police, sheriff's department and prison officials has been devised for use in the event of an escape or maybe major disturbance. The unfenced portion of the minimum security is now being fenced. A multi .....(end of tape 1B) .....

....(beginning of tape 2A)..... in July that this would not happen, that had nothing to do with the fence, and if there were guard towers, that this would not take place. We were assured that - we are very concerned about that. Not only with CIM, but with other prisons in the State of California.

SEN. PRESLEY : Well, you have an opportunity to discuss that further between now and January with Mr. McCarthy.

Let me tell you a little something about the proposal to move 600 level four inmates to YTS. Now that was a very crucial part of relieving this statewide overcrowding problem with the - particularly at the level four level. What was envisioned there was to take just one wing of that. I understand there are three wings. Take one wing and upgrade the security tremendously there so that there's no question but that no one would escape from there. And that could have been done in about 60 days. Our proposal in the Legislature was to do just that, move 600 level four people in there after upgrading that security, and we can go into all of that if it were necessary, but it's kind of mute now anyway. But that was very much needed and a very necessary part of what we're trying to do to relieve this problem. That - and I think that those people could have been moved here

frankly. I know it's an emotional issue in this community. But I think they could have been moved here and you would not have been in danger one iota more than you are now. But it didn't happen, and as a result of that not happening, the courts now are coming down with these court orders which we've been anticipating for a long time. They're finally arriving, and that puts us in the crunch that we're in. There is absolutely no place for those people to go other than some adjusting in these classifications, which I don't like and I don't suppose anybody likes. But when the numbers keep coming in, Mr. McCarthy, are they still coming in at the rate of 100 a week?

DANIEL MCCARTHY: Right. I would just briefly like to give you the overall view of what it looks like in the department right now.

But the numbers have been increasing at an average over the three or four years at 100 per week. Currently, right now, we have 37,000 inmates in institutions designed for 25,000. And our projections are - if our intake continues as it is right now - that by June of 1987, we'll be up to 52,000 inmates. We have a building program - the voters have voted us \$495 million in new construction. We have spend a-1 of that or committed all of that for new institutions at Tehachapi, one at Folsom. We're going to increase the size of CIM. Additionally, we're going to be building institutions at Ione, Adelanto, Avenal, hopefully one shortly in Los Angeles, where they're just about ready to agree on a site down there. Another one in Riverside County. But, even after we build all these institutions, and our total cost is going to run in excess of \$1 billion in new construction, even when we complete all this new construction, we still will be probably operating at 116-117 percent of design

capacity. We still won't have caught up with our tremendous overcrowding. What it boils down to is the citizens of California are demanding that these people are taken off the streets and put in state prisons. We have no control over who we get or who we release. They just keep flowing in. And we have to adjust and handle them in the best and most humane way possible that we have available to us, but we just don't have these resources now. The next year to 15 months, until the new Level Four facility at Tehachapi comes on line in approximately March 1985, is the most critical time that this department has ever faced in its lifetime. It's questionable, sometimes, in my mind, as to whether the courts are going to come in and just freeze our intake. And I'm sure that the local people aren't going to be overjoyed about a decision like that. I recently, (being a member of the Board of Corrections), sat down with the jail administrators throughout the state. Everyone of our county jails within the state is overcrowded excessively. They're asking for a bond issue to the extent of something like \$250 million for the construction of new jails.

Regardless of where we look these days in the criminal justice system, we're just being overrun with inmates and it's as simple as that. There is really no simple solutions to it. We have at heart the concerns of the people in the communities, especially where we're locating these institutions. But, when it comes right down to it, they're just coming in. If somebody could come up and devise some way of cutting this intake off or giving us some relief somewhere, like Senator Presley's early release bill, or something like this. We need some kind of relief, but in the interim, we're confronted with this tremendous intake.

BRENDA TATRO: I can understand that. Back to your question, Senator Presley. You were saying that because YTS was shot down, that we wouldn't let one section of YTS be taken over. Are you saying, or am I misunderstanding, that this is the cause of this overflow? That because YTS was not taken over?

SEN. PRESLEY: Well, it's one of the causes. It's a major cause because there we wanted to put 600 of these Level Four people for two years only. That was only going to occur for two years, I didn't mention that. So, that's not the cause, but it's one of many causes. If we want to get down to the absolute blame, that doesn't solve anything, but if you want to know who to blame.....

BRENDA TATRO: No, not particularly, no.....

SEN. PRESLEY: .....you want to blame the Legislature. Because we, the Legislature, did not, back about 1977-78-79, when, by the way, the State had surplus money, we did not appropriate \$100 million a year that Governor Brown had put in the budget every year. I would introduce an implementing bill to implement the construction of that \$100 million or put that \$100 million into construction. And, by the time we would get through the legislative process, we'd have \$5 million to do some planning. That went on for about three years, and at the end of three years, we had great plans, but no prisons. So, that's where a lot of the difficulty lies. And, since then, the thing like YTS, early release of nonviolent offenders, all these kinds of things, have been proposed - not major ways to solve the problem, but some solution to parts of the problem. And we've been hung up on that. Therefore, we sit here, as Mr. McCarthy just described, in a very crisis situation for the next couple of years. And we're just going to have to keep our fingers crossed that we can continue to find ways to cope with it, to work through this two years.

If we can work through the two-year period. Then we have construction that's on line now; it's going to help. But, as the numbers indicate, too, unless something happens, if they keep coming in, by then we're going to be up to, what is it, 55,000?.....

DANIEL MCCARTHY: 52,000.

SEN. PRESLEY: .....52,000, so we still are not going to be able to cope with the numbers.

Mr. Bader, do you have a question?

ASSM. BADER: Yes, of Mr. McCarthy. You mentioned the increase of 100 prisoners per week, which we've all read about. Do you have any estimate of the increase within that 100 of the various levels of the one, two, three and fours? Are they equal?

DANIEL MCCARTHY: I really don't have.....

ASSM. BADER: I guess my bottom line question is, how many of the 100 are the Level Fours? That's what I'm getting to.

DANIEL MCCARTHY: Well, if I ventured a guess, it would be conjecture on my part. We do get in this day and age a lot of violent offenders. What the exact percent would be, I don't like.....

ASSM. BADER: Rather than guess, could you provide me.....

DANIEL MCCARTHY: 20-25 percent....

LEWIS FUDGE: 20-23 percent.....

DANIEL MCCARTHY: That's what I would venture to guess.....

ASSM. BADER: Okay, 20-23 percent, thereabouts. Are there any proposed ground-breaking dates for Avenal, Ione and Adelanto? Being personal about it - specifically Adelanto?

DANIEL MCCARTHY: Okay, again, we haven't even selected the site, the final site for that. There are two or three under consideration.

ASSM. BADER: Okay, all three are in that category?

DANIEL MCCARTHY: Right, yes, the Avenal - the area has been identified, the actual site hasn't been selected. Ione - it's about the same way. However, we're looking now at a new method of construction which will expedite getting these beds on line, compared to what they are doing at Tehachapi. San Diego was another site that, as with Tehachapi, is costing us in the neighborhood of \$80,000 a bed, and when San Diego - when they gave us the authorizing legislation for that, the Legislature put a cap on it at \$50,000 a bed. At the time I recall there was much anguish in the department, feeling that they couldn't meet that standard. However, now, in looking at this new type of construction, I think we'll not only meet it, but we'll come in less than that amount, and a much, much more rapid thing. In fact, we're looking at one of those sites for a Level Four institution. And if all goes well, and we get the selection on the site, and get the construction, that we probably could have Level Fours in part of it, anyway, prior to the completion of the Tehachapi facility, which is earmarked for 1985.

ASSM. BADER: You're not going to do anything with Baker, are you? No, no, not Assemblyman Baker, the community. (Laughter.)

ASSM. SHER: Senator, I just want to comment on what you said about the reason we're in this crisis situation and the proposal to move the initial 800, reduced to 600 prisons, to the YTS building. First of all, I was not in the Legislature in 1977-78-79 when you said the fault lies at the Legislature, because they.....

SEN. PRESLEY: I was there, unfortunately.....

ASSM. SHER: .....you were there, so I don't remember any

of that. I do remember, though, that last year the voters approved \$500 - nearly \$500 million in monies for state prison construction. And we now know that that's going to buy something like 3,500 beds, I mean a fantastic per bed cost. And, Mr. McCarthy, I'm encouraged to hear what you just said about the ability to bring in the new beds at less than the cap that the Legislature set - the \$50,000.....

DANIEL MCCARTHY: .....for the Level Three beds.

ASSM. SHER: .....Level Three beds.

DANIEL MCCARTHY: Level Four would run us probably a little bit over the \$50,000 mark, but not to the \$80,000 mark.....

ASSM. SHER: Well, that is tremendously encouraging, and as you said, there was a lot of agony when the Legislature started raising questions about the per bed cost. I was in the Legislature when that happened. So, that is an encouraging development. But just to give you a slightly different perspective on the proposal to move these 800 prisoners down to the YTS facility, my view - the way the matter arose and was presented, it was doomed to failure. The last 10 days of the session, in a crisis situation, this proposal comes forward to move 800 adult prisoners, take over the YTS facility, so the first factor was the fact that it came so late. Second factor was a lot of concern by some members of the Legislature about disruption of the YTS facility, in dispersing those wards throughout the system and what that would do to the YTS facility. But, of course, most important was that the local representatives hadn't been heard from when that plan was proposed. And they, of course, were the strongest opponents to the plan. Mr. Bader sitting here, Senator Ayala, and there just was not any way, under those circumstances, that that could happen in such a short time at the end of the session.



SEN. PRESLEY : Well, let me.....

SEN. MONTOYA : Perhaps a third perspective is needed.

SEN. PRESLEY : Yes, I'm going to give you a third perspective.

That is that this effort was made about four or five different times.  
One of the major efforts.....

ASSM. SHER : You should have mentioned that, Senator,  
as one of the factors. I mean, they were coming back trying to do  
what had failed four....

SEN. PRESLEY : You've got to keep trying when your back's  
against the wall.....but it had been tried throughout the budget  
process. There were all kinds of hearings on it, so it's not that  
anybody was slipping up on the citizens of Chino. And you're right,  
the last proposal came in a couple of weeks before the Legislature  
adjourned, but that was just a last gap effort to try to do something  
about this problem. And we still failed, and that's part of why we're  
still here in this mess.

Gesa Kearney? Is she here representing Mr. Goggin.....

GESA KEARNEY : Yes, I'm right here.

SEN. PRESLEY : ....who is also a member of this committee.

Is she here?

(several voices) Yes she is, right there on the side wall.

SEN. PRESLEY : Okay, did you want to add anything?

GESA KEARNEY : We'll be talking to you tomorrow. (Laughter)

SEN. PRESLEY : We'll see you in CRC, okay.

UNIDENTIFIED : By the way, Mr. Bader, Avenal - the first 600  
beds should be opened by January of '85, and it will have 3000 capacity.  
That is from CDC.

SEN. PRESLEY: I should add that Senator Montoya was in the Legislature in 1978. (Laughter.)

SEN. MONTOYA: That's why I wanted to add a third perspective, and I was expecting to speak for myself.

I think an important note to make since Assemblyman Sher was explaining his situation is that as I recall, it was not the Senate per se that was a problem. I think if we'd been a little bit more oriented on this business of prison construction, on trying to get a job done before we reach the crisis situation - but like everything in the Legislature, and Governor Brown said it best - you wait until the crisis is here and that's when you can get some legislative action. And I think that work should go forth to the Governor that there is a diversity within the Democratic party in different perspectives on how we should have gotten this done, and sometimes it is not very clear to this administration that there is a Senate and an Assembly. We're all painted with the same broad brush.

SEN. PRESLEY: What's that - a fourth perspective?

GESA KEARNEY: Sounds like one that calls for a rebuttal.

(Laughter.) (Several voices.)

SEN. PRESLEY: Okay, we'll see you, then, tomorrow.

LINDA CUMMINGS: Senator Presley, we have a couple of questions if you don't mind, if we have enough time for them.

Just quickly I wanted to run over - on the YTS takeover - why you were running into citizen opposition. For one thing, from what I understand, it would cost close to \$2 million to renovate YTS to be used as a facility for prison, and for only two years. That, to me, is prohibitive in cost.

SEN. PRESLEY: That's a perimeter security matter. They tell us that those improvements would be nice to have anyway. And that they could still be used very effectively when the YTS people were brought back in. So, it wouldn't be \$2 million down the drain.

LINDA CUMMINGS: Okay, the other part was great concern over where those wards of YTS would go. And they have excellent care and facilities over here right now, and I would hate to see that - - and especially with only half of it taken over. You're ending up with only half of it as Level Three or Four inmates, whatever.....

SEN. PRESLEY: We agree, I agree, I think we all do. It's not ideal to do that. But it's because of the situation we're in. And they would be, as I understand it, disseminated around the state in other CYA facilities. We think that it could have been done with the least possible destruction. Then they would have been brought back in two years and the \$2 million improvements could have been used very effectively anyway.

LINDA CUMMINGS: I would like to address the question to Midge Carroll. We were talking about the six months where you would send the inmate away for six months to a more secure area before they went into Level One, and then you said it was changed to three months. Is it still three months?

MIDGE CARROLL: No, it's going to be on a case by case basis. They're going to be evaluated at the reception center and then sent over directly to whatever - to us, maybe - or maybe other institutions.

LINDA CUMMINGS: So, there won't be any of that leeway?

MIDGE CARROLL: No, we do have the intake norm that that we established after Cooper on the minimum side where we hold them, but as Mr. McCarthy said.....

DANIEL MCCARTHY: ....as I indicated it will be on the very selective basis. The only ones that we would transfer over directly would be those who were carefully screened, and that all the information and background checks and everything had been completed prior to that transfer.

LINDA CUMMINGS : So all the inmates would be kept right in their dorm? They wouldn't be going anywhere? So that procedure is no longer in effect then?

DANIEL MCCARTHY: No, it hasn't been changed yet. It will be changed this January.

LINDA CUMMINGS : So it's still in effect until January 1, and then they will no longer be going up north as before.

DANIEL MCCARTHY: Right, right.

LINDA CUMMINGS : Thank you very much.

BRENDA TATRO : I have one more.

SEN. PRESLEY : Okay.

BRENDA TATRO : I want to ask - Mr. McCarthy, maybe you can answer this. I heard on the radio that they were having some problems at Folsom right now because of the many stabbings--I believe there's seven stabbings that have occurred there, and they've had some flack from the inmates saying that the correctional officers over there were letting people into the general population that.....

SEN. PRESLEY : Can you speak up as loud as you can. I'm sure they can't hear you.

BRENDA TATRO : Oh, gosh. I have to repeat all that...okay... anyway, do you feel the increased stabbings at Folsom are because of reclassification, because that's what the correctional officers are saying?

DANIEL MCCARTHY: No, no, what it was is that we were threatened by these attorneys, and Judge Weigel on the Toussaint case, that we were not in compliance with this court order, that the Judge issued earlier this year. And Folsom was not in compliance. I talked with Warden Morris and asked him if there was any way possible that we could get into compliance prior to us going back into court, which we are back into court now. And he was scheduled before to testify for Judge Weigel last Wednesday. I said if anything could be done, we should try to make a good faith effort to do it. The people that we released, the officers, had nothing to do with it. It was strictly an administrative decision. All the cases were there - fell into the Toussaint decision, which indicated that after a person was locked up for a year, and he wasn't any further problem and hadn't been in any recent stabbings or possession of knives or such things of this nature, that after the year's time, that he should be afforded an opportunity to go back into the general population. And this is the part of the order that we were complying with.

BRENDA TATRO: Then you think it is just something that happened, then. You don't think it has anything to do with the.....

DANIEL MCCARTHY: Well, again, our own feeling is that the reason we're not in compliance was reluctance on our part to release some of these people because we felt they were questionable. However, they did meet the standards set down by Judge Weigel. And unfortunately, the way it turned out, there was some stabbings, and so we had to go back and relock some of the people back again.

BRENDA TATRO: Do you anticipate more problems like this because of the reclassification?

DANIEL MCCARTHY: Well, again, you're trying to include....Where

our problems come from is trying to comply with a court order, and that really has nothing to do with classification. If we classified them, we probably would have left them level four and left them locked up.

BRENDA TATRO : Thank you.

SEN. PRESLEY : Okay. Well, thank you very much for your help. If you would just stay put, Mr. McCarthy and Superintendent Carroll. If you'd just stay, and would the law enforcement representatives come up, please.

What we've had described here is that since the escape last June, that there's now a better, closer mutual aid working relationship between the prison, the city, the county and the state law enforcement agencies. And what I'd like to do is just hear briefly from each one of you representing those various jurisdictions as to how you view that.

Let's start with the cities, the Chief of Police.....

JAMES ANTHONY : Okay, I'll start out. James Anthony, Chief of Police, City of Chino. Subsequent to the escape of Cooper, we had several meetings between the San Bernardino County Sheriff's Office, CIM personnel and personnel from the Chino Police Department. As a result of those meetings, an enhancement was made to the existing mutual aid policy, specifically regarding the escapes and the procedures to be followed during those escapes. We've had a few opportunities to test that procedure with some possible escapes which later proved not to be, and it worked very well. The primary emphasis was on the jurisdictions who would handle the general law enforcement duties, being the City of Chino and the County of San Bernardino. We also discussed the mutual aid pacts with surrounding counties as well as other agencies which would include Riverside, Orange County,

Los Angeles County and the California Highway Patrol. So, I am confident that between the - - the interaction between my watch commanders and CIM watch commanders means that the system seems to be working very well.

SEN. PRESLEY: The county, are you here?

BILL ABERNATHY: I'm Bill Abernathy, Assistant Sheriff for San Bernardino County. As the Chief has indicated, our Captain assigned to our western station has been meeting with this committee. As far as I can tell, they're doing everything they can to really improve the community working relationship.

SEN. PRESLEY: Your helicopters would be available if they were necessary?

BILL ABERNATHY: Our mutual aid - - everything we've got would be available. That's it.

CAPT. IRWIN: I'm Captain Irwin, Commander of the local CHP office, and I would have to echo the comments that have been made previously. I think there is a fine working relationship here. And, with respect to CHP resources, we basically are at their disposal should there be an escape.

DAVE MARTIN: I'm Chief Dave Martin from the California Highway Patrol. As you know, Senator, we've had the mutual aid pact in effect for many years. The California Highway Patrol responds to the request from the local agencies when that procedure is put into effect. The problem, I think, that arises with most of the local agencies is they need help more immediately than that process can be effected. Therefore, we do have a - - I guess you could call it a different process - - whereby we can respond to a local agency's needs from anywhere within this division when there is an immediate

emergency and there is an immediate emergency and there is a life-saving process that needs to be taken. The California Highway Patrol does respond in those cases, of course, and always on the mutual aid.

SEN. PRESLEY: Trying to recall the June incident. I think the police department were brought in fairly soon, weren't you?

CHIEF ANTHONY: Yes, we were.

SEN. PRESLEY: But the county and state were not? Is that right?

CHIEF ANTHONY: That is correct.

SEN. PRESLEY: So now, if we had an escape, each agency would be notified immediately, and they would all plan.....

MIDGE CARROLL: We have it in the plan where they're notified even if we think we have an escape. They're notified before we're even sure.

SEN. PRESLEY: And each level has a plan of implementation once they are notified. So, you'd think we'd have an immediate response now, whereas before - - well, I guess we didn't.

CHIEF ANTHONY: I would say that we always have had the immediate response. I think our problems occur when we have the lack of communication, the request.

SEN. PRESLEY: And that's what happened in the June incident that was.....

CHIEF ANTHONY: Yes.

SEN. PRESLEY: Lack of communication. But that's resolved in your new implementation plans?

MIDGE CARROLL: Hopefully.

CHIEF ANTHONY: They'll assist when any investigation may



occur as a result of this, too.

SEN. PRESLEY : Thank you very much. Let's hope you don't have to use it.

MIDGE CARROLL : I hope so too.

SEN. PRESLEY : But you probably will. Thank you.

Let's move to the - - where it says 11:00 on the back of your agenda - - Other Current Problems at CIM, Possible Solutions. Is there anything there that you would like to add to what was said earlier? For example, we haven't talked about medical care. Is the doctor here? Would you come up please? How about Mike Bunnell, Chief of Maintenance, is he here?

I read somewhere where you have a turnover rate of 24 percent here?

MIDGE CARROLL : Thirteen percent.

SEN. PRESLEY : Pardon me.

MIDGE CARROLL : It's thirteen percent.

DANIEL MCCARTHY : It's 24 percent for the department.

SEN. PRESLEY : Oh, I see. It's 13 percent at Chino prison.

MIDGE CARROLL : That includes promotions and transfers.

SEN. PRESLEY : Do you have any recruitment problems here?

MIDGE CARROLL : No, in one day about nine months or so ago, we had 800 applications in eight hours, without advertising.

SEN. PRESLEY : You don't have any problems. Do you have - - we were talking about stabbings at Folsom, do you have stabbings here?

MIDGE CARROLL : Yes, we have stabbings here. We have - because of the overcrowding. If you have a chance today, I understand a tour is going to be a part of this. I would like for you to see the reception Center-Central. That's where our most tense and dangerous situation

really is, at Central - for a couple of reasons: 1) the severe overcrowding and, 2) because there are people dropped in from the counties. We haven't sorted them yet; we don't know who the psychotics are; we don't know who the first-termers are, who are here for maybe a burglary or receiving stolen property. They're all pushed in these very crowded situations together and we haven't sorted the out yet. So, that's the problem. So, in those kinds of situations, yes, prison tension increases. And, also, one thing we don't talk about too much is that this overcrowding has an impact on the officers and the people who work here, if there's a problem with the inmates and their living standards are certainly reduced by overcrowding. The people who work in prisons put up with a lot of pressure and tension. For example, the correctional -- one of the correctional officer's on our staff in Central, his office is a ping-pong table set up on some kind of board so he can have visibility over the gym floor, rather than having him down. Now that's not really very good working conditions. So, you'll find that sort of thing around CIM.

SEN. PRESLEY: Mr. Sher has a question.

ASSM. SHER: You've just described, in a very graphic way, the problems of the reception center and the kinds of people you get in and your attempts to sort them out. Earlier, you told us that there would be some of those people you'd send directly into the Level One situation. Apparently, you have confidence that it is possible during the reception process to sort them out for that purpose, that you know who's safe to go directly . . . . .

MIDGE CARROLL: Well, we've been sorting them out here 20-some years and doing a pretty good job. This overcrowding has strained it tremendously.

ASSM. SHER: Right, but I guess as for the Level One system, they go away for the six-month period and then it's a kind of further screening process, but that's about to change.

MIDGE CARROLL: Yes.

ASSM. SHER: But you have confidence that, even though it's difficult, you're going to be able to sort out the ones . . . . .

MIDGE CARROLL: It will certainly help if I get the computer.

DANIEL MCCARTHY: Right, and right now they're processing 1,400 to 1,500 cases a month through the reception center. And that's just an awful lot of people . . . . .

ASSM. SHER: No, I'm not trying to suggest it isn't a terrible problem. I'm just raising the other question that some of those people..

DANIEL MCCARTHY: Out of those 1,400-1,500 people that they're processing each month, I feel certain that there is a small percentage of those that can come directly over. I'm not saying anywhere close to -- what I'm saying is, maybe five percent . . . . .

ASSM. SHER: I think you're probably right. The question is, can you identify them in that short period of time and feel comfortable about it?

DANIEL MCCARTHY: I think we can. If we have the proper hookups and the proper computers to retrieve the information that is necessary to make those decisions, we can make those decisions.

SEN. PRESLEY: Do you have some gang problems here?

MIDGE CARROLL: No, our maximum security area -- Palm Hall -- has been moved and changed to an Ad-Seg, which is administrative-segregation unit. What we primarily have problems with at Chino is street gangs, not prison gangs, per se. And if, for example, there's a war in

Los Angeles going on between different street gangs and they happen to hit our reception center at the same time, it's very difficult for us to identify who to not lock up with who.

SEN. PRESLEY : I understand you have a hospital here?

DR. SIGURDSON : We do.

MIDGE CARROLL : Yes.

SEN. PRESLEY : What's the patient capacity?

DR. SIGURDSON : Our patient capacity.....

SEN. PRESLEY : You need to identify yourself, Doctor.

DR. SIGURDSON : I'm Dr. Sigurdson, Chief Medical Officer at CIM. Our bed capacity is 90, but at the present time we do not have the staff to fully utilize the bed - - the number of beds. We are running approximately 50 patients at the present time.

SEN. PRESLEY : What do you do with the excess of patients?

DR. SIGURDSON : At this point we've managed to keep the numbers at a practical level. We are able to keep them moving, transfer to northern institutions if they need different kind of medical care. The severe cases we transfer up to local community hospitals, but this is decreasing.

SEN. PRESLEY : Well, I was going to say if you're transferring people out to local facilities, I understand that you have to put double guards in transportation and guard them while they're in the hospital 24 hours a day. And, it seems like a very expensive operation. If you have further bed capacity in your hospital, it would seem, Mr. McCarthy, that a few extra people would be good economy here.

ASSM. BADER : Is it a recruitment problem here?

DR. SIGURDSON : No, we don't have a recruitment problem at the present time. We have had in the past, but the present time we

do not.

SEN. PRESLEY: What is the problem, what's the problem that you don't have, then?

DR. SIGURDSON: Budgeted positions at this point.

DANIEL MCCARTHY: Have we submitted a budget package.....

DR. SIGURDSON: In the past we have, and we will be submitting again.

SEN. PRESLEY: Well, it seems like as long as you have the hospital capacity and you're sending people out to private hospitals and all that associated cost, it would be a lot better off to keep them here.

DR. SIGURDSON: I agree.

SEN. PRESLEY: Got to convince somebody in the budget process of that, right?

DR. SIGURDSON: Right.

ASSM. BADER: Any idea, like in the last year, how many patients you have contracted out to private hospitals? Just an estimate?

DR. SIGURDSON: I don't have - - just a moment. I have comparative figures on quarters. The first quarter of '82-'83, we hospitalized 25 people. In the first quarter of this year we hospitalized just one less, but we had a drop in 289 patient days. So our total patient days is dropping quite satisfactorily as we gear up our medical services here.

SEN. PRESLEY: Have you had any deaths in your hospital?

DR. SIGURDSON: Not recently. We have had - sometime ago - we have had - - the most recent death was a person who died at Chino Hospital. We transferred him out. After two or three days, he did die.

SEN. PRESLEY : What was the medical problem?

DR. SIGURDSON : It was a multi-problem. He had pancreatitis, liver involvement, and hepatitis. It was just a multi-medical problem that was not much anybody could have done.

SEN. PRESLEY : When that happens, do you have a reporting procedure that you go through - someone dies within the prison system?

DR. SIGURDSON : Yes we do. And, there's a procedure goes through the administration here, through the superintendent's office and up to our central office.

SEN. PRESLEY : Is there a requirement that it be reported to the state in anyway?

DR. SIGURDSON : Depending on the illness, depending on the type of illness that it is.

SEN. PRESLEY : Was that done in this case?

DR. SIGURDSON : It was reported through our administrative lines up to our central office.

SEN. PRESLEY : Would you double-check and see what took place in that case and give the committee a response through Mr. McCarthy, perhaps, that the procedures were all followed and the reporting was all handled accurately?

DR. SIGURDSON : I will.

SEN. PRESLEY : That's the hepatitis case now....

DR. SIGURDSON : Serum hepatitis which is different from an infectious hepatitis.

DANIEL MCCARTHY : Is there a requirement on serum hepatitis, whether the local officials are supposed to be notified concerning it?

DR. SIGURDSON : Not on the serum. I'll check on that too, but as far as I understand..... (three voices).....because with

the serum hepatitis, the people keep getting reoccurrences without any more exposures. Their body keeps going through reoccurrences.

SEN. PRESLEY: On a death like this, where it occurs under the supervision of a doctor, you're not required to call in the coroner?

DR. SIGURDSON: That would be done at the hospital there.

SEN. PRESLEY: Did they do that?

DR. SIGURDSON: I expect they did. I can't guarantee that. But I expect they did, because that would be standard procedure in any hospital. At least he'll be contacted.

SEN. PRESLEY: It would be helpful if you would let us know if all those procedures were followed.

MIDGE CARROLL: It's my understanding, Senator, that any inmate that dies, whether it's in our facility or in a hospital, we take them to, we call the coroner, and we fingerprint the body to make sure that's the inmate. So we have an elaborate procedure for that that we follow.

SEN. PRESLEY: Very quickly, do you have any maintenance problems here that aren't being addressed?

MIKE BUNNELL: The fence project is taking up a lot of our time, which obviously will make other maintenance areas suffer, but nothing of great magnitude.

SEN. PRESLEY: What all are you responsible for in the area of maintenance? What all does your division do?

MIKE BUNNELL: Any of the trades, carpentry, electrical, plumbing, the boiler house. We have our own sewage treatment plant.

SEN. PRESLEY: And that's all working alright?

MIKE BUNNELL: The sewage treatment plant has, obviously,

overcrowding problems. It is very antiquated, and it's not up to date. The system itself is antiquated. We presently have \$90,000 in this year's budget to help to upgrade it, but that's not enough to make it up to standard.

SEN. PRESLEY: Who is in charge of sanitation? Are you? Or, is that someone else?

MIDGE CARROLL: That would be under Mr. Bunnell somewhere.

SEN. PRESLEY: Like the kitchens, for example, sanitation. You got that under control?

MIKE BUNNELL: Yes.

SEN. PRESLEY: I observed them one time when I was here, I didn't think they looked too good.

MIDGE CARROLL: We do medical inspections of the sanitation in all the kitchens on a regular basis, and submit the reports.

ASSM. SHER: Yes, I wanted to find out, do you -- I assume you use inmates in your maintenance operation?

MIKE BUNNELL: Correct.

ASSM. SHER: How about in the building of the fence?

MIKE BUNNELL: Correct. We have a special crew that is assigned to that project.

ASSM. SHER: Is there, is this an ongoing maintenance crew who has that as a regular part of their job?

MIKE BUNNELL: That's correct.

ASSM. SHER: I guess we're going to hear -- is the man from the industry's manager here this evening? I wanted to find out generally, Senator, about the .....

SEN. PRESLEY: Mr. Thomas? Is he here?

MIDGE CARROLL: We don't have anyone here....(three voices)...



ASSM. SHER: Can I ask the question now, then? The question that we've asked at our other hearings at other facilities are whether all prisoners are - - have jobs or training opportunities under the work-time law?

MIDGE CARROLL: The only people that we assign at CIM are our work crews over in our reception center, because they are there to maintain those buildings. And they are permanently assigned, full-time assigned. Minimum we don't have a problem. We have all those inmates assigned. But we do have a problem at what we call RC East, because it was built by Youth Authority to be a reception center and adult corrections took it over. And we were budgeted for programs and trailers to be added to keep them working. And then they - - the subject came up of switching YTS and East, and so that money was taken away from the local institution. I have now requested, in writing, for that money to be given back to us so we can put these inmates to work.

ASSM. SHER: So I understand your answer, then, the - - you have a hundred percent employment at Central?

MIDGE CARROLL: Well, we don't work process cases because they're being tested all the time.

ASSM. SHER: That's the reception - is that the reception .....

MIDGE CARROLL: Right.

ASSM. SHER: Right, all right, but .....

MIDGE CARROLL: But there's a work crew and they have 100 percent employment. There's a work crew that does the work.

ASSM. SHER: Let me put it a different way. Let me see, there are about 4,000 total inmates here in all of the four units presently?

MIDGE CARROLL: Yes, but let me explain this to you. The new

cases coming in from the county, under the law, are not required to work because their case is being processed. They are seen by psychologists, they are being tested, and then they are shipping out. And when they get to their arrival, their new destination.....

ASSM. SHER : All right, how many not in that category then.....

MIDGE CARROLL : They're 100 percent employed over at the reception center.

ASSM. SHER : Throughout Chino then there's 100 percent employment. Okay, how many .....

MIDGE CARROLL : Every place but East. I would guess around 300, but I could get those statistics for you.....

ASSM. SHER : Well, what happens Mr. McCarthy, to them in terms of the work-time law in the day off or day work.....

DANIEL MCCARTHY : They wouldn't be eligible.

ASSM. SHER : They would or would not....

DANIEL MCCARTHY : They would not be...

ASSM. SHER : They would not be even though there's no work or a training or educational.....

MIDGE CARROLL : I have our work incentive coordinator right here if you want to ask him that.

ASSM. SHER : Well, I think that's important to know.

DANIEL MCCARTHY : How are you handling those cases? What kind of credit do they get?

SEN. PRESLEY : Who is that? Is that Mr. Bales?

MIDGE CARROLL : Yes, Mr. Bales.

SEN. PRESLEY : Mr. Bales, can you address that question?

BOB BALES : What was the question again?

ASSM. SHER : What to you do about those 300 prisoners at

East who are not working, don't have work opportunities or training or educational opportunities in terms of how it affects their sentences?

BOB BALES: Actually, all of the inmates at East facility are working. It's an issue of whether they are meaningful jobs that they are employed in or non-meaningful jobs.

ASSM. SHER: So, technically, they are working and .....

BOB BALES: That's correct, and they are receiving credit. We are over-assigning people over there is what it amounts to, where we have more people working as dorm orderlies in a unit, for example, than we really need.

ASSM. SHER: That's only true at East, and the rest of -- everybody's working at meaningful jobs or in some kind of meaningful training program.

BOB BALES: That's correct.

DANIEL MCCARTHY: It's just the opposite at the main facility. As I indicated before that over 1,600 job assignments available .....

ASSM. SHER: I understand that's where -- that's due to the reduction .....

DANIEL MCCARTHY: Reduction ... our industry's program is way down. There's over 100 people down out of there .....

ASSM. SHER: No way to take the people who are over-assigned and put them into these jobs because of the different classification.

DANIEL MCCARTHY: They're Level Threes. The people at East are Level Three's, and the other ones we're talking about are Level Ones.

BOB BALES: That problem at East facility, of course, is because of the program cutback that Ms. Carroll described. If we had the program capability over there that we had asked for some year, year-and-

a-half ago, than those 250-300 people, whatever, would not be over-assigned as they are now.

ASSM. SHER : How many inmates are in the farm operation?

BOB BALES : As of this morning I had 77 people working in the dairy; 6 working in the field crops operations and that's irrigators, tractor drivers, and things like that; a couple of clerical positions out there; 2 on the beef ranch. It would be a total of about 140 people.

ASSM. SHER : Are you producing more than is needed here that goes to other state institutions?

MIDGE CARROLL : No, we don't really. Our industries program doesn't - we grow a lot of silage because we have a big dairy. We have over 700 milk cows. And a lot of what we grow in industries is silage for the feeding of the cows. I think some of it - this is controlled and managed by prison industries, not by CIM administration per se. But I think they do grow some crops for profit, but I could not tell you right now what they are.

ASSM. SHER : For sale to other state institutions?

DANIEL MCCARTHY: State supported, right.

MIDGE CARROLL : We have a big milk dairy.....

ASSM. SHER : Is there capability to expand the agricultural operations here?

DANIEL MCCARTHY: We feel so.

MIDGE CARROLL : Yes, we've had two plans going. Before Kevin Cooper we had planned to take 15 acres out front of CIM and grow our own vegetables. But we've pulled everybody in after Cooper, and we've cooped. We have plans through - we have a new manager now, head of correctional industries, Mr. Craig, who's been down here twice in the last few weeks. He and I are looking at the potential because of

all the land is here, but water is a problem. But what we could grow and give to the other correctional institutions in our vicinity and for our own use, and the sky's the limit. We just have to figure out the water. We'll have the inmate labor and we have the room. He is also going to take, right away, a hobby craft area from East facility. That's the one where I told you I didn't think everybody was employed. And he's going to put another shift of factory workers in there right away. So, we're doing everything we can to keep those people at least busy, but we still need the additional building.

DANIEL MCCARTHY: I met last night with Superintendent Carroll on this issue, and she gave me the report last night. So, I'll be looking into the matter, too.

SEN. PRESLEY: Mr. Sher is a very strong believer in the work ethic.

ASSM. SHER: Well, I think we all are. And I think it sounds better here than it does at some of the other institutions that we've visited.

BOB BALES: Let me add that I've been with the CIM minimum, and our main facility is probably about the best example for the work incentive program that we have in the Department of Corrections. With the farming operations, big dairy, furniture factory, and the kinds of assignments we have here, we employ large numbers of inmates in very meaningful kinds of jobs. They're solid seven-eight hour a day jobs. They're not the malingering, sharing the broom-type of thing at all.

ASSM. SHER: They used to have a very effective agricultural operation at Folsom, too, which was closed now, and so I'm glad to see it's working and meaningful work.

SEN. PRESLEY: Okay, thank you very much.

All right, would the CCPOA and CSEA representatives come up please? CSEA - are they not represented? Somebody gave me a note that says the CSEA representatives, who were to make a presentation before the committee today, were unavoidably detained, and they will make their presentation at CRC or CIW tomorrow. Is that right? I guess so, it says here, so we'll plan on that tomorrow. CCPOA is here today, though. Mr. Novey.

DON NOVEY: Thank you, Senator. Glad to see Senator Montoya here today....not seeing him at one of these committees yet. Of course, it's my first chance to testify in front of one because we have been somewhat slammed down at Folsom. We've been going through a recent stabbing for-ay. I want to comment on Assemblyman Bader here for a second. When the Cooper incident came down, there was one individual from the Legislature, I swear, was working 24 hours a day to make sure there was fencing placed in this area. And I want to commend the gentleman for that. The other gentleman sitting up here, Mr. Sher, I guess asked for the Criminal Law Committee, because he was told probably the prison crisis isn't that bad. And, Byron, you're going to have a hell of a good time with it. Well, I think he has had that. And, of course, Lew Fudge down here, who's ready to go to sleep at his age - - if I can keep him awake during our presentation, I'll be happy.

Presently, the Department of Corrections has 146 percent over-capacity. CIM has 4,400 inmates. I want to make a couple of off-hand comments. The seven stabbings at Folsom last week, on the average, on the medical end of it, cost the public \$38,000 an inmate to take them to the Med-Center. Seven stabbings. You remember, we average

60 to 70, now, a year at that institution. I think the medical area is something that really hasn't been looked at and I think it should be in reference to cost saving for the state. I think the classic comment was made by the coroners in Marin County. They said they would not go into San Quentin prison because it was too dangerous, and they would not pick up the dead bodies. I've heard some nice statements here this morning about prison expansion and, albeit, it's under the auspices of the Presley measures. Also, the county measure of \$295 million for local facilities. I'm glad we finally have a director here to testify. The committee is probably somewhat shocked to see a director sitting in front of them today, and I'm more than pleased to see Dan McCarthy here.

I have some off-hand comments on this blue light. It reminds me of the blue light at K Mart stores. You think you're getting a special, which you're really not. When the fog rolls in, it's really not going to be an answer. But we are appreciative to see Ms. Carroll optimizing the communication with the public. That's something that's been sadly lacking in this area, and we finally see this. Also with local law enforcement. I was driving down here about six months ago, or five months ago, right after the Cooper incident, and I noticed our staff in these updated 1974 farm trucks out securing the fence line. I think this is an area where we're sadly lacking. I know William Hamm testified in court, federal court, this last week in San Francisco and said the state has not spent the monies in the past in reference to prison construction and development. That's why this committee is here today. Also in reference to operations.

Throughout the state the officers are somewhat tired. We've had more than we can take. Sixty-five percent of the felons coming

into the system are in here for dangerous crimes. Twenty-five percent of the correctional peace officers are leaving each and every year. I'm glad to see the 800 applications down here at Chino. It makes me happy. The assaults on staff have increased by 400 percent. We take pride in our 130 years of state service. I work at the newest maximum security facility -- I've said this to the committee before -- and it's only 103 years old. The Legislature has definitely got to move in this area. And I think we finally have some legislators who are moving. I think our days in corrections of the superman complex are over. We've dove into many situations, we've prevented the Attica's and the Santa Fe's, and I want to commend our fellow staff for doing a hell of a job. The only red "S" you're going to see any more going down the street is either Superman or the "S" on Presley's car. We're having a very difficult time maintaining within the facilities. And to see the staff's morale so low right now makes it rough on me. I come from a cadre of about 25 percent of the correctional peace officers that are Vietnam veterans. And I think the real reason we really stayed on is because the abnormal amount of Agent Orange that we absorbed. I'm glad to see Dan McCarthy. This man has met with our organization. He is, I think, moved in a positive manner to optimize the communication and morale of staff. We urge that things get moving.

An area that has really been touched on somewhat lightly today, and it's going to be the future problem with Chino, the City of Los Angeles, San Francisco, Sacramento, whatever, are the court cases. Toussaint is going to force double-celling in our max sections to go to the extreme that we'll have max custody



inmates roaming around our institutions breeding the prison gang situation, which we full well know is going on in the City of Los Angeles. The Wilson case is somewhat more significant than maybe even the public realizes. That would force single-celling in all of our institutions. We've got some real problems with that. I know the Department of Corrections does, as well as the public. And then there's the Mehren case, it really hasn't been touched today, and I think Senator Presley's really more on board on this one. And that's our medical facilities within correctional institutions. Right now, and I want to quote the Governor of the State of California, "Prison overcrowding has reached beyond the breaking point. We clearly are living on borrowed time. In essence, we have pressure-cookers, we have some open ovens right now. I remember meeting with Tom Bradley before the election last year, and he felt the same way. No matter who we've got as governor, I think the State of California has got to grab this one by the tail and resolve the problem. This state only ranks 26th in the nation per capita in locking people up. We've just been derelict in our duties of bringing more facilities on board, and resolving the problems of keeping the criminals off the street.

I want to appreciate the community involvement. This is the first time. . . . (end of Tape 2B). . . .

DON NOVEY :.....the weapons to handle the situation, better known as our daily tools. Give us our handcuffs; give us our basic escort vehicles, and we'll do the job. Hopefully, the Legislature, the administration, the Governor will take care of the court cases and all the other beautiful problems, and we'll

do the job on the line. Thank you.

LEWIS FUDGE: Mr. Novey, I didn't appreciate your remark about me going to sleep. I've been dealing with this problem a hell of a lot longer than you have.

DON NOVEY: In reference to that, it was really a candid statement to Lewis Fudge. Lew Fudge has been an administrator for nigh-on to 30 years in the system. He's well-known, renowned in the system and well respected within our community.

SEN. PRESLEY: Okay, next.

RAY BELTRAM: I'm Ray Beltram, CIM Chapter President. I totally agree with my supervisor, boss, whatever you want to call it. I think CIM has really gone and improved a lot since the prior regime we had here.

SEN. PRESLEY: You're agreeing with Superintendent Carroll?

RAY BELTRAM: Superintendent Carroll, yes.

SEN. PRESLEY: I thought you meant Novey. (Laughter)

RAY BELTRAM: Both of them. They're both assets to the department. I totally agree, in the nine years I've been with the department, that was one of my main complaints, was the fact that a tremendous amount of escapes we had in this institution. I know to the previous regime we had here, I complained about getting a fence put up with no results. I know for a fact that the Superintendent did, when she first came on board, request a fence to no avail. And it always comes up with the same issue, the budget, the budget, no money, no money. It's sad in that, like you previously, Senator, the fact it takes an incident to get action. I would just like to say that I'm glad that the fence is up. The sad part about it, like the committee here says,

they were informed that no level three's, level four's will come into the institution. I knew for a fact that it would occur. And I'm just hoping that with the increase in population of this institution that we get more staff, and they get better equipment on these vehicles. I notice on the agenda that you're going to tour the facilities. I think you should take a look at these vehicles that we utilize out here. Another thing that I think should be an asset and we should end up getting is better communication with the outside agencies. As it stands now, if we do have an escape, we have no communication with the outside agencies. If our patrolmen are out there with these vehicles, we have no communication with the outside agencies. We do definitely need Claymores in the vehicles we are utilizing, which you can see on the outside patrols. I think that would be a great asset at this present time. I think it's something that should be taken seriously and dealt with immediately. That's all I have to say.

SEN. PRESLEY: Thank you very much. I think, from what we're hearing from the director and the superintendent, we're moving in the right direction.

RAY FELDMAN: My name is Ray Feldman and I'm on the Board of Directors of CCPOA, and I'm here on behalf of them and also the correctional officers at this institution. I have a small statement I'd like to read on their behalf and that would take care of it. As you know, not one of California's recent governors has had to face the tensest of all possible crises, which is a prison riot, in which hostages are held by desperate men,

who are making demands from the political leadership and the public. California's prisons are overflowing with felons and the level of tension and violence is increasing daily.

Attica was just another prison in New York until it exploded into an outburst of killing that left dozens dead, stabbed, raped and wounded. New Mexico State Prison blew up not too long ago with the most horrible display of killing and violence. Sing Sing Prison in New York was also rocked recently by a violent confrontation in which officers were taken hostage to demand relief of overcrowding.

California's prisons are as overcrowded as those in other states, only more so. Tough laws mandating prison sentences and lengthening punishment terms double the number of felons going to prison each year from what it was a decade ago. The state prison system is expected to hit nearly 46,000 by June 30, 1984. Prisoners are being doubled up in cells designed for one person. They're being packed into corridors, storage rooms and gymnasiums, because we have no cells available.

Jerry Brown was lucky in California, because the prisons didn't explode while he was governor. Make no mistake -- all the conditions and ingredients that created Attica and New Mexico are present right now in these prisons. We're lucky these prisons have not exploded. You may ask why haven't they exploded until now. The reason is, that they have not exploded is because of good luck and because the people that run the prisons have made the best out of a bad situation.

They have maintained good intelligence that keeps tabs on potential hotspots, and they have constantly shifted inmates

among the prisons to break up gangs and plots. They haven't always succeeded. California has seen dozens of minor flare-ups such as we had here recently at CIM. But we haven't had the "big one" yet. But I can assure you, if things don't change fast, the "big one" is coming and very soon.

New York Governor Mario Cuomo took office a few days before Deukmejian and was immediately confronted with the Sing Sing face-off. Deukmejian knows it's only a matter of time before he faces the same situation unless California catches up with the prison population explosion. If this state is forced into wholesale releases of dangerous criminals, because state prisons are obviously substandard in terms of crowding and other conditions, God help the people out there in the public.

These actions to house the expanding population are severely overtaxing the supporting facilities such as hospitals, culinaries and other facilities, utility systems.

We are the forgotten department, or have been up until now. No one paid any attention to us until the Kevin Cooper incident took place. We have old, worn-out, broken equipment to work with. We are driving patrol cars which are 10 years old and other trucks on our patrol duties that a junkyard wouldn't accept. I personally drove a patrol car on outside patrol two nights ago. The hood flies open when you drive, the door flies open, the lights don't work, the radio is inoperative and we have no emergency equipment on it at all. No red lights, siren or anything else.

SEN. PRESLEY: Do you have radio?

RAY FELDMAN: We have a radio in the car, but it doesn't work. It hasn't worked for seven months.

SEN. PRESLEY: Is that what you were referring to as far as equipment problems?

RAY BELTRAM: That's one of them, Senator. We need updated equipment.

RAY FELDMAN: That's right.

RAY BELTRAM: Like we have said in the past, we are set back by 30 years, at least. We're very outdated.

SEN. PRESLEY: Well, what you're describing sounds like you need some new equipment so. . . .

RAY BELTRAM: Definitely.

SEN. PRESLEY: . . . . I think probably everybody would agree to that.

RAY FELDMAN: Right.

SEN. PRESLEY: Go ahead.

RAY FELDMAN: I'm currently at RC East, which has a security fence, towers, and an alarm system on the fence. The alarm system on the fence has been inoperative for close to a year now. It doesn't work. If we ever get a fog in there, there's nothing stopping them from leavin. They can leave. There's nothing. You can't see the front hood of your car. . .

SEN. PRESLEY: Let me just ask a question here. Is this -- are these kinds of problems, um, I would assume were being addressed in your next budget. . . .

MIDGE CARROLL: . . . I've never heard that the sensor on the fence. . . .

SEN. PRESLEY: No, I'm talking about the general problems that the. . . .

MIDGE CARROLL: Oh, about the cars?

SEN. PRESLEY: The equipment, the cars, the radios. . . .

MIDGE CARROLL: We deal with it all the time.

SEN. PRESLEY: But is that part of your budget request that's before. . . .

MIDGE CARROLL: We request them, yes.

SEN. PRESLEY: Pardon me?

MIDGE CARROLL: Every year we request equipment -- more radios, as our staff increases. Oftentimes there's a . . . or overpopulation increases, we get security staff. We don't always get the additional radios, or we're using the radios more and they wear out faster. Radios here, all kinds. The kind you carry and the ones in the cars are a problem to us.

SEN. PRESLEY: These cars are probably low mileage. Do they get a lot of mileage in. . . .

MIDGE CARROLL: They get a lot of abuse and a lot of mileage.

RAY FELDMAN: Yeah, so they're used 24 hours a day, seven days a week.

SEN. PRESLEY: So they do add up a lot of mileage, huh?

RAY FELDMAN: Yes. Assaults on staff have increased over 400% since 1970. Correctional peace officer-related deaths are up 2 to 1 over highway patrol-state police combined.

As an example, I could give you the assaults on staff in 1970. Total incidents were 366. In 1980, it was 2,848. Assault with a deadly weapon went up from 79 in 1970 to 339 in 1980. Possession of weapons went up from 89 to 498 in 1980.

SEN. PRESLEY: Those. . . did you say deaths were 2 to 1 over the highway patrol and. . .

RAY FELDMAN: That's correct. Here's a, I have a . . . .

SEN. PRESLEY: In what period of time?

RAY FELDMAN: From. . . in the last. . . since 1970 we have had 2 to 1 ratio on correctional officer deaths over law enforcement agencies.

DON NOVEY: Senator, if I might interject, that was not prepared by us, but the Division of Labor Standards in San Francisco. From 1970 to 1980, there was 106 job-related deaths, 54 amongst the highway patrol and state police. And it's a reference to, you know, when either they're assaulted, they die of a heart attack as a result of the incident, stabbed and thrown off the fifth tier. You know, the whole gambit.

SEN. PRESLEY: They're all job-related?

DON NOVEY: Yes.

SEN. PRESLEY: Do you have safety retirement?

DON NOVEY: Yes, we do.

SEN. PRESLEY: Do you have the same benefits as the Highway Patrol. . .

DON NOVEY: No.

SEN. PRESLEY: . . . in that regard? No?

DON NOVEY: No. We have just had legislation passed, uh, that will upgrade us 2.5 percent retirement. And this, I think, will also help some of our understaffing problems that are going on right now within the facilities, basically the San Quentin's and Soledad's.

SEN. PRESLEY: What do you mean two and a half percent? Can you. . .

DON NOVEY: 2.5 percent, sir.



SEN. PRESLEY: Can you retire at 50?

DON NOVEY: Yes, at 2 percent.

SEN. PRESLEY: Well, what's the 2½ then?

DON NOVEY: 2.5 at 55.

SEN. PRESLEY: Oh, so Highway Patrol. . .

DON NOVEY: In essence, it's a. . . it's a. . .

MIDGE CARROLL: Well, Highway Patrol has better . . .

SEN. PRESLEY: I thought the Highway Patrol was. . .

DON NOVEY: 2.7. Two percent at 50, 2.7 at 55, and  
ours will be 2.0 at 50, 2.5 at 55.

SEN. PRESLEY: Okay.

DON NOVEY: And we're happy just to get the . . .

MIDGE CARROLL: But we would like to have what the Highway  
Patrol has.

DON NOVEY: Is that an official statement on behalf  
of the department? (Laughter)

SEN. PRESLEY: We'd better get off that subject... (Laughter)

DON NOVEY: . . . got a little negotiation going right  
here.

RAY FELDMAN: As an example, on graveyard shift at CIM,  
with the exception of two dorms, we have one officer to approx-  
imately 190 inmates. These inmates are housed in an open, no-  
bars housing unit. How would you like to be locked up with 190  
convicts by yourself?

SEN. PRESLEY: You don't expect us to answer that, do you?

RAY FELDMAN: On November 17 of this very month, we had  
213 convicts sleeping on the floor of the gymnasium in the  
maximum section at CIM and only three officers on the floor to

watch them, as Mrs. Carroll related to earlier.

The honest truth is, the professionalism, loyalty and compassion and damned hard work of the officers have so far prevented a major catastrophe. We have one of the highest rate of assaults on staff of any state or local agency. Yet we in the Department of Corrections are treated sometimes as second-class law enforcement officers.

We suffer more stress, illness and assaults than practically anyone. Therefore, we need your help to keep the public safe. Give us the money, equipment and manpower to operate these institutions, to house the ever-increasing number of inmates. You can't keep the public safe by passing stronger and stiffer sentences on laws without building places to house these people in. The choice is yours. You can't have one without the other, and that's the undisputable truth.

I have here a picture from Corrections magazine of our gymnasium, if you'd like to look at it. This is what it looks like. (Pause.)

SEN. PRESLEY: Are you finished?

RAY FELDMAN: Yes, sir.

SEN. PRESLEY: Okay, thank you very much.

DON NOVEY: Thank you, Senator.

SEN. PRESLEY: All right, I think we have two inmates here. Are they here?

If I can have your attention for a second, while we are waiting for the two inmates to come in, I'd like to make two announcements. One is that the media people who want to go on tour, if you'll remain here after we adjourn, right here in this

room. And staff people and, uh, citizens, or whoever wants to go on the tour later, it will be at 2:30 rather than 2:00. We're running behind schedule here . . . and meet here in this room at 2:30.

Okay, just have a seat there, gentlemen, uh, Tony Pewitt and Mr. Jenkins. What's your first name?

R. C. JENKINS: R. C. Jenkins.

SEN. PRESLEY: Just R. C., huh?

R. C. JENKINS: That's it.

SEN. PRESLEY: That sounds like "Reception Center". Um, okay, what we'd like to hear from you is -- I guess, let's see -- Mr. Pewitt, you're in Level 2, Mr. Jenkins is in Level 1. Why don't you tell us first what the situation is like in Level 2, as far as being an inmate and spending time there. Is it overcrowded? If so, . . . . .

TONY PEWITT: Of course, everything's overcrowded. I'm there on the permanent work crew. I'm not transitory. We are a reception guidance center, and we handle the overflow that goes from central. They are processed and sent to other institutions in the system. So I live there permanently for the term of my sentence. Uh, conditions, that's the general question, conditions in regard to what?

SEN. PRESLEY: Living conditions, what's it like to be there and experience that?

TONY PEWITT: Well, it's certainly crowded. Food is good. . .

SEN. PRESLEY: Food is good?

TONY PEWITT: Food is good. Food is good at West. I think it's nutritious and it's consistently good. . . .

SEN. PRESLEY: Medical care okay?

TONY PEWITT: . . . the conditions that we eat the food under are always good. It isn't always as clean as we would like it it to be.

The medical facility is one that handles only emergency cases. Anything beyond that, even an X-ray, is done at CIM proper. So there's a daily bus that runs back and forth. There's a medical line available to inmates at anytime. There's usually a call-out done by staff that's done once a day for inmates that are on continual care.

SEN. PRESLEY: You're in Level 2?

TONY PEWITT: Yes.

SEN. PRESLEY: . . . that's uh, the less serious level, isn't it?

TONY PEWITT: Well, the point system determines the level that you're on, and how they determine these points is. . .

SEN. PRESLEY: Well, for example, what were you convicted of?

TONY PEWITT: I'm an ex-felon in possession of a weapon.

SEN. PRESLEY: What was the felony prior to the weapon?

TONY PEWITT: Uh, that was a forgery 15 years ago. I was out eight years. Discharged.

SEN. PRESLEY: You've only been convicted of forgery, then?

TONY PEWITT: Yes.

SEN. PRESLEY: Nothing else?

TONY PEWITT: There was a grand theft auto with that conviction.

SEN. PRESLEY: You have not been convicted of a violent crime?

TONY PEWITT: No, no violent crime. No drugs, no sex. . .

SEN. PRESLEY: That's why you're in Level 2?

TONY PEWITT: I can't really tell you why I'm in Level 2.

SEN. PRESLEY: How long have you been in prison?

TONY PEWITT: I've been here at this facility since June.

SEN. PRESLEY: How long in your lifetime have you served in a prison?

TONY PEWITT: This. . . when I complete this year, I will have served six years in my 40 years.

SEN. PRESLEY: You served the other time for the offense and now you're serving time for a . . . . .

TONY PEWITT: This is a new offense?

SEN. PRESLEY: . . . felony possession of a gun?

TONY PEWITT: Yes.

SEN. PRESLEY: Okay. Some of the other institutions, when the inmates have testified, have testified to very level of fear, feeling of fear for their own safety. Do you sense that?

TONY PEWITT: Um, I'm not sure that I do, because I only have a two-year sentence. So, ultimately with my time, uh, you certainly always feel some when you're giving testimony before a legislative panel or anyone that is media-exposed. You feel some hesitation. There are so many things, however, that need to be done in this system that, I think, most of us would want to do that regardless of. . . . .

SEN. PRESLEY: Maybe my question wasn't clear -- I'm talking about the feeling of fear. . .

TONY PEWITT: Yes.

SEN. PRESLEY: . . . within the, your living environment. . .

TONY PEWITT: Oh, absolutely, constantly.

SEN. PRESLEY: You do?

TONY PEWITT: Certainly.

SEN. PRESLEY: Fear of what?

TONY PEWITT: Well, anything can happen at anytime. When you're living in an institution. For example, I'm at RC West, which has a designed capacity for 640 people. We're now 87½ percent over that figure -- we're at 1,075. And, in other words, you've almost doubled the amount of people in the vacuum that you live in, and everyone is mixed up. The violent crimes are there with the crimes that are not violent. For the term of processing and that many people in that . . . anything can happen. There are all kinds of clubs and cliques and groups and. . . .

SEN. PRESLEY: How about the level of weapons? Are there weapons available?

TONY PEWITT: There are weapons in every institution, Senator.

SEN. PRESLEY: How about narcotics, drugs?

TONY PEWITT: In that facility, um, being there all the time, what I know about RC West, probably the narcotics in RC West wouldn't fill an ashtray in this room.

SEN. PRESLEY: So you don't have much narcotics, but you have weapons?

TONY PEWITT: Well, there are some weapons. I don't think there are a lot of weapons. There's just too much turn-over there all the time. There's. . . .

SEN. PRESLEY: Are you talking about homemade weapons?

TONY PEWITT: Yes.

SEN. PRESLEY: . . . or guns or what?

TONY PEWITT: No, no. There are homemade weapons, of course. I don't think there are any guns in RC West.

SEN. PRESLEY: Mr. Sher?

ASSM. SHER: You said something that, uh, arouses my curiosity. First of all, I want to thank you for coming to testify to the committee. There's always suspicion about that, particularly with the media coverage, and it's a great thing to do. But you said the reason you do it is because there are so many things that need to be done and, I suppose, need to be said. That's what we really want to hear. What needs to be done? What do you want to tell us that we need to . . . We know about the overcrowding. We've heard that at a number of institutions, but it's helpful to us to hear it from your perspective.

TONY PEWITT: I'm sure there's nothing that I can tell you that you don't already know. Fifteen years ago, when I came through the same facility, at that time RC West was a camp center. And what I've seen in the past six months within the system, nothing's changed. It's the same. We don't use rehabilitation any more. We don't use that term. It isn't fashionable now, as it was at that time. People were trying to do things. We were trying to relate to inmates as human beings rather than just another number. The attitude hasn't changed; numbers are up. We're in a situation now where there's just too many people. You can't -- this can't -- you can't live with that many people locked up in that close of an area. There's gonna be violence.

They're gonna burn things down. Things are gonna happen. You just can't live under those conditions for any prolonged period of time. Um, the changes that need to be made are purely social, they aren't political. This is a social problem. People that are anti-social, people that come to jail, people that get into trouble are people that have problems.

There are also people on the other side who have problems. People who take care of us have problems. Uh, there are so many problems with the Department of Corrections that there's nowhere you could start. If I started today, I couldn't give it to you, in single-spaced, in the year that I have to do, so. . .

ASSEM. SHER: Is there one thing worse than any that you want to see changed now and fast -- would it be the overcrowding?

TONY PEWITT: Well, certainly, certainly, that's the. . .

ASSM. SHER: Okay, what's the second thing?

TONY PEWITT: . . . immediate thing? Well, the second thing I would like to see, that I thought certainly would happen in the years, is that, not just the public, but the people who handle prisoners would see prisoners as human beings so that we would have some. . . I really don't understand. Now, finally, after they have seen these men, and men like them, come and go and return again, they deal with the inmate on a different level. I don't see that in the new officers. I don't see it in the new attitude.

ASSM. SHER: Could that partly be a function of the overcrowding, too, that correctional don't have the time to be on that one-to-one basis?

TONY PEWITT: No, that's not part of the problem. Staff



has a problem. The department has a problem. We understand that. Inmates aren't stupid, either. We see the problems that CDC has, but nobody wants to work collectively to do that. We inmates probably have as many ideas as, uh, the CDC has that are good, viable resolutions for solving the problems in the Department of Corrections; particularly in guidance centers and facilities that handle so many people.

ASSM. SHER: Thank you.

SEN. PRESLEY: Senator Montoya?

SEN. MONTOYA: Yes, from what I can see, I guess, we have one Caucasian inmate and we have one black inmate. I'd like to know what the percentages of the inmate populations is, if anybody has it handy, in terms. . . .

MIDGE CARROLL: I know what it is departmentally.

SEN. MONTOYA: . . . of the entire system and here at CIM. Because I, having toured, uh, CIM once before -- I thought there was a significant number of brown-Hispanic people. Does anybody have those numbers?

MIDGE CARROLL: . . . off the top of your head?

UNIDENTIFIED PERSON: I think it's about 42 percent black, and 27 percent Mexican and 30 percent white.

SEN. PRESLEY: Would you repeat those again, did you hear?

SEN. MONTOYA: That, is that now CIM?

UNIDENTIFIED PERSON: Yes, it is. That's approximately for CIM.

SEN. PRESLEY: Forty-two percent black, how many other. . .

UNIDENTIFIED PERSON: Twenty-seven. . . .

SEN. PRESLEY: Twenty-seven. . . .

SEN. MONTOYA: Do you have the numbers on, the work force population as a contrast. . . . .

UNIDENTIFIED PERSON: I don't. .

SEN. MONTOYA: . . . Does anybody have those numbers? I mean, how many Hispanic officers, security people. . . . .

MIDGE CARROLL: No, but I can get it for you; we keep track of it.

SEN. MONTOYA: Okay. And I would like to ask these, well, one additional question on that. Is there any reason why we didn't have a Hispanic come to testify for. . . . .

MIDGE CARROLL: No, we can get. . . . .

SEN. MONTOYA: . . . . . the 27 percent?

MIDGE CARROLL: . . . a Hispanic here if you would like for us to.

SEN. MONTOYA: And, secondly, since we, and last I mean, since we have these two gentlemen here, do you think it really makes any difference? You're talking about sensitivities on the part of the staff too, to inmates. I think there are people who believe that, for example, if you have Hispanic officers, that somehow they're going to be more sensitive to "brown" needs, if you will. Or that if you have black officers, uh, black security people, that they're more sensitive to blacks. What's your -- from your experience, gentlemen. what would you say you get any additional sensitivity as a consequence of that.

R. C. JENKINS: I don't think that. Do you think that? Well, it's a known fact you do. I mean, uh, ...

SEN. PRESLEY: But, see, Mr. Jenkins, you'd better identify yourself.

R. C. JENKINS: Uh, R. C. Jenkins, uh. I'm an inmate here at CIM. You'll find that, like any place else, the race issue, it's here, it's out there, it's everywhere. It doesn't make any change because an officer puts on a uniform. But his skin is there, and everybody notices it. And, back to your question about why we didn't have a Chicano out here; I asked the same question up front before I came out. Because the sergeant, he brought it up to me, and the reason -- nobody knew.

ROBERT HOLMES: Senator, this was not the institution's responsibility. We just said we would like to have a couple of inmates, one black and one white. At other institutions, we have had Hispanic inmates. There was no real rhyme or reason. . .

R. C. JENKINS: I understand that, but back to the original. This is another token of the racism kind of a thing. Because, right away, when the sergeant noticed we didn't have a Chicano, he asked and I couldn't answer him. I asked another party and they couldn't answer it. So, right there, that should tell you that, uh, yes, everybody, we would like to see more blacks working here on the yard, at S and E, whatever. It come to my attention from staff and from the inmates on the yard.

We don't have any blacks here that's in any, uh, supervisory positions. . . .

SEN. PRESLEY: You don't have any black supervisors, uh, you mean within the correctional officers or where?

R. C. JENKINS: Well, overall.

SEN. PRESLEY: I thought I just saw a captain here awhile ago.

R. C. JENKINS: It was a Chicano.

SEN. PRESLEY: Was it?

R. C. JENKINS: Yes.

SEN. PRESLEY: Okay, so you're saying there are no supervisors within the correctional officer ranks. . .

R. C. JENKINS: Well, this is a -- well, I'm a president of the MAC (Men's Advisory Council), chairman for the entire population of the inmates on this yard. And I have, uh, they come to me and ask me why we don't have any black officers in the yard. You know, in other places, and I've asked, you know. But they just don't have any that pass the exam to make the test. There's no fault to CIM. So. . .

SEN. MONTOYA: You're chairman of what, now?

R. C. JENKINS: The MAC -- that's the Men's Advisory Council.

SEN. MONTOYA: How many people do you have involved in that?

R. C. JENKINS: Well, we have representatives from each dorm, each race, and it's an organization that's designed by the superintendents for each unit -- an open line of communication from the inmates on the yard to the administration.

SEN. PRESLEY: Okay, do you have anything to add to what Mr. Pewitt had to say about the conditions?

R. C. JENKINS: Well, yes, the conditions here are, have been very poor for the simple reason, overcrowding. You try and put 2,000 people here with facilities that's designed for 800. I mean, it's all right to double-bunk, but nobody never stopped to think about the showers or the restrooms and things like that that inmates has to use. And surely you couldn't expect to, you know, if you've got facilities here for 800 guys

and then you turn around and put 2,000 here, you know, you can get the bed space all right enough, but what about the other?

SEN. PRESLEY: You're in Level 1?

R. C. JENKINS: Yes, sir.

SEN. PRESLEY: That's minimum.

R. C. JENKINS: Yes, sir.

SEN. PRESLEY: And you're not very crowded right now, I guess?

R. C. JENKINS: Well, no. It's down, I think, maybe like a thousand, I guess.

SEN. PRESLEY: Are you due to be released pretty soon?

R. C. JENKINS: Yes.

SEN. PRESLEY: When?

R. C. JENKINS: February 7, but I've been here a long, long time.

SEN. PRESLEY: How long?

R. C. JENKINS: Since 1978. July 14.

SEN. PRESLEY: What are you serving for? What were you convicted of?

R. C. JENKINS: Second degree murder.

SEN. PRESLEY: That's your only felony conviction?

R. C. JENKINS: Uh, I had a felony conviction in Texas.

SEN. PRESLEY: Prior to that?

R. C. JENKINS: Yes, sir.

SEN. PRESLEY: What was it?

R. C. JENKINS: Robbery.

SEN. PRESLEY: So did you serve time in Texas, too, then, I guess?

R. C. JENKINS: Right. I was one of the fortunate ones. I didn't maybe, let's say, break the law until I was like, uh, in my early 30's. I don't have any juvenile, uh, things like that.

SEN. PRESLEY: So, you've been in for robbery in Texas and murder second in California and due to be out in February. You're in Minimum 2 now, I mean Minimum 1 Level.

R. C. JENKINS: But I didn't start here.

SEN. PRESLEY: Yeah, I'm leading up to that. And you have been in more secure prisons before?

R. C. JENKINS: Right.

SEN. PRESLEY: Any other in California?

R. C. JENKINS: I started this sentence here at Folsom.

SEN. PRESLEY: Folsom?

R. C. JENKINS: Yes, sir.

SEN. PRESLEY: Okay.

R. C. JENKINS: And, I might add, too, that, uh, this CIM is, so to speak, the Cadillac of the prison system, and everybody loves to be here, you know, if they're gonna do time. And the majority of people that's from this area, they start out up north, make a big down payment on their sentence because I had a nine-year sentence. With the good time off, it turned to six. But I had to put in almost four calendar years before I could make it down here. And that's the reason I appreciate being here a little bit more, because I know what it's like up north.

SEN. MONTROYA: I'd like to get back briefly to another sensitivity question. I was interested in what you mentioned,

Mr. Pewitt, that the older officers seemed to be the ones that seemed to be more sensitive. I'm of the opinion that you reach a burn-out situation in 95 percent of the cases of people who work here. We hear the same thing from teachers. We hear the same thing from other professions, police, for example.

Do you believe that, generally, these people reach a certain level of cynicism, or burn-out, just by virtue of having to deal with a negative, anti-social kind of a human being?

TONY PEWITT: That happens.

SEN. MONTOYA: Do you want. . .

TONY PEWITT: I'm...I'm certain that happens. What I was saying with the people that I feel have been in the system for a long time, is they have seen the changes the system has gone through. So, of course, they are more sensitive. They are also more aware, because they have been through these phases and changes.

Anytime you deal with people that are locked up. I'm sure that in the situation that we're in today, even a zoo-keeper would have some empathy for his animals. I am not saying that that's the way we feel, generally, and when I answer a question, I'm answering only for what I see that occurs in the West facility, Level 2 facility, not what happens here at CIM.

You certainly would reach a burn-out, depending on the personality of the officer involved. Certain personalities, of course, you see them reach burn-outs and become disillusioned and cynical. But it depends on the person.

LEW FUDGE: Mr. Jenkins, you've been to Folsom -- pretty well through the system. What changes have you seen in the

staffing over that period of time, if there are any?

R. C. JENKINS: Yeah, there are some. You see, let's say going from a correctional officer. You know, I think the money that they pay, that they're getting cheated. I think that an officer, if he wants to work here, I think that he should be screened and really wants to work here, not just to come out and pick up a paycheck.

I think the qualifications of an officer should be raised a little bit. You know, so you just don't get the guy that's out of a job, and he's just gonna grab anything to bring home a paycheck. Because this is a serious business here. And I think that a little more screening would come up with better officers.

SEN. MONTOYA: To get back to my point, on the matter of do you think it's good public policy to let people work here until they're 55? Or should they have to leave at 50 or whatever?

R. C. JENKINS: Well, I think that should be up to the individual. I think a man should be physically able to handle the job. Because if you're not physically -- in physical condition to handle the job -- then you put your life in jeopardy and also the guy that you work with. So, no, I don't think you should have a guy that's out of condition having a job like this. I think a guy should be able to run a couple, three or four blocks in a dead run. I don't believe you got 35 here that could do that.

SEN. PRESLEY: You mean in this room? (Laughter.)

R. C. JENKINS: No.

ASSM. BADER: Certainly at this table, you're right!



SEN. PRESLEY: Okay, well, we thank you very much. I guess, uh, when do you get released, Mr. Pewitt?

TONY PEWITT: I have a June release date. . .

SEN. PRESLEY: Next year?

TONY PEWITT: . . . to parole. Yes.

SEN. PRESLEY: It's a very good assumption, I'm sure, that neither one of you are ever coming back?

TONY PEWITT: Well, I'd like to think so.

R. C. JENKINS: I'd like to say no, but who can read the future. But I surely hope not.

LEWIS FUDGE: You know, it's the Senator's favorite question and one of the people at an earlier hearing said that, in response, that that's what his mother keeps asking him. (Laughter.)

SEN. PRESLEY: Well, good luck to you. Thank you very much. Before we adjourn, is there anyone in the audience that would like to address the committee -- any subject at all?

ASSM. SHER: Senator, before you ring the gavel down, I want to raise an unrelated question to this particular hearing. But since we have the director here, I think now's my chance. . .

SEN. PRESLEY: All right.

ASSM. SHER: Mr. McCarthy, you were at the hearing at Folsom, I believe, and we talked about the -- the letters we were getting from the department about these new facilities which start a clock running. That this committee has to disapprove within 30 days, if they're going to do anything at all, and we understand why you have to do that at the earlier stages for the utility and the siting. But I understand now that for

Vacaville, Ione and Avenal either have, or they're in the process of letters that go beyond the utilities and siting, that address the staffing ratio and the work programs. And that we don't get together very often as a committee, so I just wanted some assurance that, if there have been those letters sent, that, as you did at Folsom, or as the department did at Folsom, they will withdraw any letters except those that relate to the utilities and to the siting. You understand what I'm talking about? You remember that conversation?

DANIEL MC CARTHY: I remember the conversation. . . .

ASSM. SHER: Well, the result of that conversation for the new Folsom was that the department withdrew the letter that they had sent in so far as it related to anything other than the utilities and siting. Because it was not necessary to move this soon on the staffing ratio and the work program to be built into the new facility. And my understanding is the same thing is happening at these other facilities. We received at least one and maybe more letters covering more than these preliminary utility and siting things. I think those should be withdrawn, as well, so we don't start this 30-day clock running. We just don't meet that often. I wanted to raise that, and I told the Senator I did.

SEN. PRESLEY: Okay, Mr. McCarthy can get back to us on that point.

DANIEL MC CARTHY: I sure will.

SEN. PRESLEY: All right, I want to thank all the members of the committee and everybody, the witnesses who participated. CRC tomorrow morning and the women's prison in the afternoon. With that, we are adjourned.



## APPENDIX A

REPORT TO THE LEGISLATURE: Increased Security Measures and Improved Casework/Records Management at CIM : Dept. of Corrections	89
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Preface

This report is a summary of corrective action taken by the Department of Corrections following the investigation and hearing into the escape of Kevin Cooper from the California Institution for Men on June 2, 1983. Three separate major reports emanated from the investigation of the Cooper (AKA Trautman) incident, each providing conclusions and recommendations. The three reports were prepared by:

- 1) Joint Legislative Committee on Prison Construction and Operations
- 2) Attorney General's Office
- 3) Department of Corrections, Law Enforcement Liaison Unit

As a result of these investigations, many security and procedural inadequacies have been identified, and the department has made and continues to make appropriate improvements in these areas to prevent a similar occurrence in the future.

The recommendations for changes include the following general areas, and will be detailed in the report:

- Perimeter security, i.e., the erection of a security fence and additional armed guard towers at the California Institution for Men (CIM).
- Review of the CIM Reception Center procedures, and processing of holds, warrants and detainers in all CDC institutions.
- Restrictions on the assignment of inmates to minimum security facilities such as CIM-Main, directly from the Reception Center.
- Augmentation of staff assigned to the records office at the CIM Reception Center to facilitate adequate case processing.
- Establishment of comprehensive Mutual Aid Escape Pursuit Plans and Agreements with local law enforcement agencies.
- Establishment of formal meetings in each prison community with citizen groups, local law enforcement, CDC and other relevant groups on a periodic basis to discuss issues of mutual concern.

- Improve the departmental Classification system, and move towards computerization of central files to facilitate the accurate and timely processing of case information.

A number of the changes recommended has already been implemented, and others are under study by departmental staff.

Several factors must be considered in committing the department's current resources, and in assessing the extent of additional resources required to implement the remainder of the recommendations, as follows:

1. The department continues to face severe overcrowding in all 12 of its institutions, and the prison population continues to increase by 300 to 400 prisoners per month.
2. Recent court decisions have placed restrictions on the assignment and placement of prisoners within the department, thus limiting the number of available beds, and housing alternatives.
3. The scope of some of the recommendations requires cooperation and approval of other control agencies, county, state and federal law enforcement jurisdictions, and the legislature.

The Department of Corrections has over the years provided a high level of service to the citizens of California by carrying out its mission in a safe humane manner, without major incident or tragedy. It will continue to provide this high level of service as long as humanly possible through constant reassessment of its operational procedures, and the dedication of its 8,000 plus employees and their ability to cope with the myriad of obstacles with which the department is faced.

Correcting the many deficiencies in the CDC system, i.e., overcrowding, violence, etc., and overcoming the grave concerns which directly impact the department, is the shared responsibility of the courts, the legislature, departmental employees and the citizens of the State of California. The department is committed to a responsible course of action to better carry out its mission to protect society, while providing safe detention facilities for convicted felons. While it is unfortunate that such a tragedy as the "Chino Hills" incident did occur, it has served to focus attention on some of the severe problems facing the department. The task before us now is to take whatever steps are necessary to insure that such a tragedy does not occur again.

DANIEL J. MC CARTHY  
Director of Corrections  
November 28, 1983

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Executive Summary

On June 2, 1983, Kevin Cooper escaped from the California Institution for Men (CIM), Minimum Facility. At that time, he was listed as David A. Trautman, C-65304 in California Department of Corrections (CDC) records; and had been transferred from the CIM Reception Guidance Center (RGC) to the adjacent minimum custody facility on the previous day.

On June 5, 1983, several persons were brutally murdered in a hilltop home in the Chino Hills, some five miles from the Chino prison complex. Based on available evidence, Kevin Cooper (AKA Trautman), is alleged to be responsible for the murders.

The California Legislature passed Assembly Concurrent Resolution No. 85, requesting the Department of Corrections and the Office of the State Attorney General, to furnish reports to the Legislature as to the following:

1. The security and classification information available to the Department of Corrections relative to Kevin Cooper, prior to his escape.
2. The reasons why his history, including fingerprint information as an escaped mental patient was either unavailable or not utilized in classifying this inmate for purposes of secure housing.
3. Steps taken or recommendations made to prevent the endangerment to California citizens in this manner in the future.

Additionally, the Joint Legislative Committee on Prison Construction and Operations conducted a hearing to investigate the events and circumstances which led to the escape of Kevin Cooper. At the conclusion of the three separate investigations, a summary report of conclusions and recommendations was prepared for each.

The Department of Corrections has reviewed the conclusions and recommendations in these reports, and has begun to implement corrective measures. This report summarizes the status of implementation of those recommendations and describes those actions which require further study.

RECOMMENDATIONS MADE BY: Joint Legislative Committee on Prison  
Construction and Operations  
(Senator Robert Presley, Chairman)

Recommendation:

CIM should immediately develop a Mutual Aid Escape Pursuit Plan and Agreement with local law enforcement agencies. This should include the Chino Police Department and the San Bernardino County Sheriff's Department, as well as the police and sheriff's departments in the surrounding areas, and the California Highway Patrol.

A detailed search plan should include a large map of the area and instruction packets for selected perimeter and search posts. In the event an escape is toward the west, the top of Chino Hills should be established as the containment perimeter and principal observation posts for conducting the search.

Response/Action Taken:

CIM Escape Pursuit Procedure has been completely reviewed and revised.

Prior to revising the procedure, several meetings were held with local law enforcement agencies to ensure a coordinated effort by all concerned.

Stationary and mobile posts have been designated. A large map is currently being prepared to be utilized in the CIM escape coordinator's office in the event of another escape from this facility. The large map will be reduced and included in the "escape kits" for staff dispatched to the field.

Recommendation:

Escape bulletins should be printed in large numbers and circulated widely to law enforcement officials, local citizens, and to radio, TV and newspaper media. Escape bulletins should provide full data on the escapee's past criminal history and the degree of danger he represents to local citizens and law enforcement officials who may encounter him.

These plans should be explained to the citizen population in the Chino area in detail, and input sought from them on how best to notify the citizen population in case of escapes so that they can aid in identification of fleeing inmates but without causing undue alarm in the community.

This could be accomplished by scheduling and disseminating public information to the community of occasional public meetings to discuss these matters. Perhaps a few households where responsible persons are home most of the time regularly, and would be willing to assist, could be asked to receive information on escapes by phone, and then to call other selected households who in turn could be asked to call others in a telephone-tree network.

Response/Action Taken:

At the time of an escape, two types of escape bulletins are now immediately printed and distributed: one for local law enforcement officials and a second will be made available at the main gate for citizens.

CIM administration has been meeting weekly with a group of concerned citizens. In the event of an escape, these citizens will be notified via telephone of the escape. They may then come to the gate and pick up the bulletins and/or telephone other friends and neighbors.

Six radio stations will be notified and have agreed to immediately broadcast information regarding escapee(s). Public service ads will be run in local newspapers, alerting citizens which stations will broadcast this information.

The Citizens Committee proposed that a flashing light be activated in the event of an escape to notify the surrounding community of the escape; and in October, a blue flashing light was installed in a prominent location on top of the water tower at CIM.

Recommendation:

The local community and cooperating law enforcement agencies should be provided with an accurate summary of misclassification findings and follow-up action to be taken to rectify the mistakes made in the misclassification and any made in the escape pursuit of Kevin Cooper.

Response/Action Taken:

The Attorney General's Report and Departmental Report have been completed.

The Citizens Committee has been kept apprised of the occurrences that led to the misclassification of Kevin Cooper, escape pursuit and follow-up action taken at CIM.

In addition, local media have given these issues wide coverage in recent weeks.

Recommendation:

A full press public relations effort to be developed and carried out to cement relationships and better inform concerned local citizens and law enforcement agencies about activities taking place at the Chino Facility.

Response/Action Taken:

Full press public relations efforts have been established and are ongoing. The editor of the Chino Champion publication is a member of the Citizens Committee who comes weekly to the meetings at CIM. Press contacts regarding CIM are a regular daily occurrence. Every effort is being made to assure the public is made aware of activities taking place at CIM.

Recommendation for CIM General:

With an armed security perimeter, CIM Minimum will run the risk of eventually receiving Level II or "heavier" offenders, who cannot be safely managed in the widespread dormitory conditions that exist at the minimum security institution. Serious consideration should be given to converting the Chino Prison Complex to a Receiving and Pre-Release facility for Southern California prisoners.

In the latter regard, selected inmates with one year or six months of parole could be transferred from other institutions to finish out their sentences at CIM. In addition to receiving special pre-release programming, they could be used to participate in labor intensive agricultural based work programs on the extensive farm acreage surrounding the prison.

Response/Action Taken:

The department continues to experience severe overcrowding. Today over 700 inmates are living in temporary housing (tents), and hundreds more are sleeping in dayrooms, laundry rooms and gymnasiums throughout the prison system. Two recent court decisions against double celling at San Quentin and Folsom (Wilson and Toussaint) will cause the loss of 800 more beds systemwide.

At the same time the CIM population has been dropping since June because of emergency measures taken by the department which required reception center inmates to serve six months in an institution with a secure perimeter before being eligible for transfer to CIM-Minimum. The results of this action restricted intake to CIM to about one-third of normal. There are now over 700 vacant beds at the CIM-Minimum facility.

In addition to the obvious hardship this creates on the department's ability to accommodate overcrowding, it has seriously impacted CIM efforts to use inmate labor for cost avoidance. They have had to put on hold several plans to expand industry and other programs due to the lack of available inmates to fill the work slots.

The department operates an extensive community based re-entry program for Southern California inmates. Using CIM for a pre-release facility would duplicate that effort. Eligible inmates have been routinely transferred to CIM prior to community re-entry placement.

The CIM population consists primarily of inmates serving short sentences and pre-release inmates with imminent parole dates. Because of the rapid turnover, approximately 75 inmates a week are required to maintain full use of the beds available at CIM-Minimum. In order to bring the CIM population back up to the number of beds budgeted the department will need to carefully screen and place at CIM selected Level II inmates from other institutions once the perimeter fence is completed.

Recommendation for Escape Procedures at all CDC Institutions:

The Department of Corrections should reevaluate its escape prevention, detection and search procedures not only at CIM, but at all department institutions in California.

Response/Action Taken:

As an ongoing procedure, Escape Plans are submitted annually for review and approval by the Office of the Director. In view of the considerations noted in the investigation of the Cooper/Trautman escape, a comprehensive review of all CDC Escape Procedures will be completed.

Recommendation for CIM Classification:

Improved classification should be relied on more heavily for security than the proposed high perimeter fence and four gun towers, as proposed. Perhaps, the most significant step forward that should be taken is the computerization of CIM inmate files, as well as those at other CDC institutions. Law enforcement agencies throughout the nation, the federal prison system, those in numerous states are highly computerized. California's system, the nation's largest, should catch up.

Responsibility for the mistakes should be accepted by top level staff, instead of restricting disciplinary action to low level personnel, who had not been provided with adequate classification and record handling procedures.

The entire CIM-RGC Classification Procedures Manual should be reviewed and updated to reflect current policy, taking into account the severe workload pressure and the shortened time for processing inmates through the RGC. The procedure for receiving incoming information to the RGC should be date stamped and initialed by the person receiving it at each stage of the classification process, along with action taken.

Each inmate Central file and 103-B, Custody Card, could be color coded to reflect special status situations such as Hold, High Violence or Escape Potential, Protective Custody, Gang Affiliation, Homosexuality, Sex Psychopath and other special security status. The CDC should consider returning to the use of the Summary Page, which formerly was placed on the left hand side at the beginning of each Central file. This form page contained such significant data as Outstanding Holds, Violence Potential and Protective Status, etc. This important summary form was previously discontinued by orders received from the CDC Central Office in Sacramento.

No inmate whose past criminal record history has not been verified should be transferred from the CIM or CMF RGC's to any institution lower than Level III (medium custody). This is an augmentation to CDC Director George Denton's policy statement that no inmate would in the future be transferred directly from RGC to a Level I (minimum) security institution such as CIM Main.

Response/Action Taken:

A project is currently underway to computerize the processing of warrants, holds and detainers in the department. This would prohibit the transfer of inmates within the system until their status is clarified. Resources to accomplish the above have been requested through the normal budget process.

The existing computer terminals in the Department of Corrections' Records officers are an internal computer system, Offender Base Information System (OBIS). The purchase, hook-up and staffing for a CLETS terminal will require further exploration. Currently a feasibility study is being conducted to determine the most cost effective hardware that would tie the department into the law enforcement information networks.

CIM has installed new procedures on processing holds, warrants and detainers. All holds, warrants and detainers are now date/time stamped and processed the same day as received. A log is maintained so there is a tracking system in records, documenting the date of receipt, action taken and by whom. Custody staff are immediately notified when such documents arrive. All institutions have implemented similar new procedures for the processing of hold, warrants and detainers.

The mailroom operation has been reorganized to provide a more coordinated, accountable and expeditious method of mail distribution.

At CIM a Correctional Counselor II has been redirected to review subsequent critical information received on inmates such as warrants, detainers, holds and additional commitments to ensure the inmate is accurately identified and appropriate action is taken immediately upon receipt.

The color coding of inmate central files and 103-B custody cards has been considered and represents one possible solution to the easy identification of an inmate's special status, i.e., hold, violence potential, etc. However, due to the frequency with which the status of inmate change occurs relative to holds, detainers, etc., the use of color coded cards is likely to generate a significant increase in processing time and introduce an unacceptable level of errors. An alternate approach is currently being utilized, i.e., the "stamping" of the central file and individual documents to identify special status. Additionally, the department has reactivated the use of the summary face sheet, CDC 112, which is prominently placed in the front, left hand side of the inmate central file.

Reception Centers continue to be under pressure to expedite the processing of cases. However, an additional 449 Reception Center beds will be activated in the next two months and a pilot project is being conducted to limit the number of short-term parole violators requiring Reception Center processing.

This should make it possible to retain for a longer period those inmates who arrive without the documents needed. In any case, no inmate will be assigned directly to a minimum custody facility if there is any unanswered questions concerning his status or criminal history. Such cases will continue to be transferred to and housed in medium security institutions until all paper work is completed.

In addition, CIM now has an orientation unit where new inmates spend the first week or two under escorted movement while each case is thoroughly re-reviewed. These precautions will make it possible to safely transfer the appropriate inmates with completed casework documentation directly from the Reception Center to CIM.





ISSUES IDENTIFIED IN: Attorney General's Report  
Re: CIM Incident

A. Security at CIM-Minimum

- 1) Immediately after Cooper's escape and pending completion of the fence around CIM-M, perimeter security at CIM-M has been increased to include 24-hour vehicle patrol of the major roads surrounding the complex and four stationary observation posts strategically located around the main facility perimeter.

Follow-Up Action Taken:

The perimeter security fence at CIM is in progress. To date the chain link fencing and security lighting have been completed. The cement bases for the tower posts have been poured and are in the (28) twenty-eight day curing process. Razor tape and concertina wire will have to be installed. Work on the sallyport gate has just begun.

Target date for completion of the fence is January 1984. Four roving patrols and four stationary posts will remain until the fence is completed. Then one of the roving patrols will be reassigned as a 24-hour outside patrol to augment the existing outside perimeter coverage. The four stationary observation posts will be relocated into the newly constructed towers. These will be manned 24-hours a day.

- 2) Newly received inmates should no longer be transferred directly from reception center to Level I facilities which do not have a secure fenced perimeter. CIM is the only institution which fits this description--the Legislature appropriated money for the construction of a fence around that facility. The department is currently following this practice.

Follow-Up Action Taken:

On June 28, 1983, an emergency order was issued by the Deputy Director-Institutions requiring that inmates serve six months of their sentence prior to transfer to CIM. This restriction, while necessary at the time, caused the CIM inmate count to drop by approximately 50 cases per week to the current level of 700 empty beds. The short sentence of the traditional CIM inmate meant that they would typically parole prior to meeting the six months criteria or be placed in a community re-entry bed. The department has taken the necessary precautions to ensure that the transfer of inmates from the reception centers to CIM-Minimum is not permitted unless all casework is completed, and an accurate criminal history profile is available. Together with the revised procedures for processing holds, warrants and detainers, the requirement of the six months restriction is being rescinded subject to the above stated criteria.

- 3) CIM-M now has a reception dormitory in which all newly received inmates must stay for two weeks.
- 4) All inmates housed at CIM-M have been reviewed by counseling staff to ensure they are appropriately placed in that institution. This review started 6/13/83 and is now complete. This review focused on escape potential of each inmates.

Follow-Up Action Taken:

Approximately 30 inmates have been removed from CIM-M as a result of this review. In addition, as mentioned above, each file is now being closely reviewed on inmates transferring into Minimum to ascertain they meet CIM-M criteria.

B. Escape Procedures

- 1) Maximum efforts should be made to identify the escapee as soon as possible. As soon as the escapee's name, description and background are learned, the information should be passed on to search parties and assisting agencies. When the fact of an escapee is known, but the identity of the escapee is not, the escape should be treated as involving a dangerous inmate and maximum resources should be brought to bear immediately.
- 2) Coordination. Mutual aid agreements and escape procedures should be formalized between correctional facilities and local agencies. These agreements should detail how assistance is requested and allow maximum access to local police resources, including aerial support, tracking dogs and personnel.

Follow-Up Action Taken:

The CIM Escape Pursuit Procedure has been completely revised. Prior to revising the procedure, several meetings were held with local law enforcement agencies to ensure a coordinated effort by all concerned. The plan speaks to all items listed in #1 above. In addition, stationary and mobile posts have been identified. The use of helicopter(s) and search dogs are also included in the procedure.

C. Reception Center Records Offices

- 1) It is clear the Reception Center clerical staff is shorthanded. According to Department of Corrections memoranda, three additional personnel will be assigned to the RC-Central Records Office to assist in case processing. One or two additional staff members may be assigned in the future.

Follow-Up Action Taken:

A total of 12 additional Records Office positions have been either redirected to CIM, or established as allocated in the 1983/84 budget since the Cooper escape incident.

Also, on 8/17/83, Superintendent Midge Carroll requested an audit of the four CIM Records Offices be conducted by the Central Office Records Division. Items audited were document flow, "systems audit" staffing levels, training and equipment. Central Office Records Division completed a records audit at CIM on October 25, 1983, and a final report of findings and recommendations is in the review process in headquarters.

- 2) Connect existing computer terminals at Reception Center Records Offices to the California Law Enforcement Telecommunications System. Require that CLETS inquiry be made on each arriving inmate who is not accompanied by state and federal rap sheets.

Follow-Up Action Taken:

The existing computer terminals in the Department of Corrections Records Offices is an internal computer system (OBIS). The purchase, hook-up and staffing for a CLETS terminal will require further exploration as to cost, feasibility, staffing, etc.

Currently, a task force is studying the available options, and staffing to implement this project have been requested through the normal budget process.

- 3) All central files of inmates coming into Level I minimum institutions should be screened to make sure no inmate is being inappropriately transferred. This is being done.

Follow-Up Action Taken:

Central files are being immediately reviewed upon arrival at CIM-Minimum. Those cases not meeting criteria for CIM-M are removed to higher security. As an additional security measure, an intake dorm was created at CIM-M. Anyone received at CIM-M is housed in this dorm where movement is very restricted for one to two weeks after arrival.

- 4) At the time of Cooper's escape, only the Abstract of Judgment was date and time stamped when accepted by the Reception Center. All documents accompanying an inmate should be so marked by Reception Center personnel. Moreover, a checklist should be devised and filled out, then maintained in the central file. This checklist should reflect all documents received from the county with the inmate at the time of initial reception.

Follow-Up Action Taken:

All documents accompanying an inmate are currently being date/time stamped by Receiving and Release staff at CIM.

The checklist would be a duplication of material filed in the central file. However, it would also provide a second check that all material received is available in the central file. Current staffing does not allow CIM to implement the checklist at the present time,

but could be considered if an ideal staffing complement is achieved. However, a tracking system has been established to deal with the processing of holds, warrants and detainers. A position has been designated to maintain the system which includes date/time stamping, noting who received the information, where it was assigned for handling and what follow-up action is taken. The new system requires that all holds, warrants and detainers be processed on the same day received.

- 5) The outcard in the Reception Center Records Office should be checked before the Correctional Counselor I prepares a classification score sheet.

Follow-Up Action Taken:

Currently implemented. In addition, a Correctional Counselor II is now reviewing any subsequent incoming information that should affect an inmate's status (i.e., Hold, Warrant, Detainer, additional commitment, etc.) to ensure appropriate action is taken.

- 6) The department has already implemented a policy forbidding any transfer without an evaluation of all warrants, holds and detainers. The person in each records office responsible for processing warrants, holds and detainers is now using a worksheet which reflects the date the warrants, holds and/or detainers are received, the identity of the inmate, and steps taken by the records office to ensure proper notice is taken of these documents.

Follow-Up Action Taken:

Above implemented June 21, 1983 at CIM. Operational Procedure #42, Holds, Warrants and Detainers (dated 6/22/83) was written, and staff trained.

- 7) The Correctional Counselor must be notified immediately when a warrant, hold or detainer is received. The Correctional Counselor should be required to re-evaluate the classification score sheet, change the classification score sheet as appropriate, and ensure the case is re-submitted to the Classification Staff Representative, if the score has been changed. The department has already implemented this change.

Follow-Up Action Taken:

As indicated, procedure currently in effect.

- 8) All warrants, holds and detainers should be posted in the file on the same day received. All detainers, warrants and holds should be time and date stamped immediately upon being received in the records office. The department has made this change.

Follow-Up Action Taken:

As indicated, procedure currently in effect.

- 9) A form known as the "CDC-112," a summary log of all important events during an inmate's incarceration, should again be used in all reception centers. Moreover, all warrants, detainers or holds should be logged in on the CDC-112. The CDC-112 is prominently filed on top of all documents on the left side of the file. The department has initiated this procedure.

Follow-Up Action Taken:

As indicated, procedure currently in effect.

- 10) The clerk responsible for processing warrants, holds and detainers at the Southern Reception Center now has a permanent log of all detainers and is required to maintain this log. This practice should be followed in every reception center and in every records office throughout the department.

Follow-Up Action Taken:

This procedure was implemented in all four records offices at CIM, and will be included in the procedures for processing holds and detainers at all CDC institutions.



REPORT BY: California Department of Corrections

Recommendation #1:

The department should initiate contact with the local government agencies who handle pre-sentenced cases. An effort should be made to devise a procedure for the forwarding of pertinent case information from department to department and agency to agency.

Perhaps a form, acceptable to all agencies, could be devised which would follow the arrestee from arrest to parole discharge. This form would list such items as prior arrests, prior convictions, holds and warrants as identified by the local agencies. It could then be continued by department staff in a fashion now practiced on the CDC Form 112.

Response/Action Taken:

The department concurs with the recommendation for improved communication with local criminal justice agencies handling presentenced cases. The department's activities in this area include the following:

Chief Probation Officers - Departmental representatives have met with the chiefs of 26 Probation Departments in the past three months. We will meet with the remaining Chief Probation Officers soon and will continue these meetings indefinitely.

Probation Line Staff - Departmental representatives have presented a newly developed training program to the line staff of several Probation Departments familiarizing them with the department and the department's utilizing of Presentence Reports. This training will be made available to all Probation Departments in the state.

Other Agencies - Departmental representatives have also met with representatives of Los Angeles County Sheriff's Department, the Board of Corrections and the California Probation, Parole and Correctional Association.

The department also concurs with the need for examination of the procedures by which the Department of Corrections received case information from other criminal justice agencies. The department has appointed a special policy committee which is evaluating the department's critical case information needs, and working with Probation Departments, the Judicial Council and other agencies involved in the process to see that those critical needs are met. This very complex process is expected to be completed within six months.

Recommendation #2:

Contact should be made with the Criminal Identification and Investigation Bureau and Federal Bureau of Investigation/Identification Division to determine



if their departments could expedite sending criminal histories on those cases where no such information is received from committing agencies. Reception Center staff could run N.C.I.C. teletype requests in those cases where no criminal history is available at the time of reception.

Response/Action Taken:

By the time a man reaches state prison, he has had contact with at least two agencies--the arresting agency and the Probation Department. Obviously, the subject's criminal background would be important to the arresting agency and should also be available to the court. It would appear most appropriate and logical that a Criminal Identification and Investigation (CII) report and an FBI print-out (NCIC teletype) should be required as an attachment to each probation officer's report. It would thus be available to the court and would also be forwarded with the man to state prison. This also could be put into effect by appropriate legislation.

CDC agrees that this material should be with the POR, but there is also a need to greatly improve independent services for CII and FBI checks as a back-up. CDC will pursue this issue internally.

Recommendation #3:

The classification score sheet and the instructions relating to its completion should be re-evaluated. Consideration should be given to applying a minimum number of points to factors where information is currently unavailable. This would result in a high initial classification score, but could be re-evaluated when the missing information becomes available.

Additionally, consideration should be given to applying points where prior confinement in mental health facilities is indicated. When sufficient information is available to determine that such confinement is not a factor in the inmate's classification, his score could be recalculated.

Response/Action Taken:

The Reception Center is the correct place to collect and evaluate all relevant case factor information, as the staff there have the expertise. Under current policy and practice when a question exists as to whether or not a hold exists, the inmate is given points for a hold until the issue is clarified. However, it is difficult to state definitely when "no holds" exist.

Where obvious case information is missing, the department is working on procedures to retain selected cases at the reception centers until adequate information is available and can be evaluated.

In addition, current practice requires that the inmates be placed in medium custody as an override if the counselor has reason to believe that detrimental information may be forthcoming.

As a point of information, a fixed number of points (4) are assigned to an inmate's classification score for prior "mental health" confinement. The problem in the Cooper case had to do with the lack of availability of the information in the file, not the assignment of points. Had the mental health and hold information been available, Cooper's classification score would have been elevated to a point that would have precluded a minimum custody placement.

Recommendation #4:

Consideration should be given to having local law enforcement jurisdictions forward to the Department of Corrections copies of arrest and investigation reports, along with the probation officer's reports (POR) and court documents, at the time an individual is committed to prison. In some cases, information contained in these reports may be of more value to the Department of Corrections than might otherwise be reflected in the POR.

Response/Action Taken:

The department feels that major emphasis should be placed on obtaining a quality POR, as this is ideally where the case information should be located, or in a supplemental form as indicated in Item (1). The department will continue to work with other law enforcement agencies to develop a workable system.

Recommendation #5:

Reception Center counselors should assure themselves that all information developed or received in a particular case is available for review at the time staff recommendations are made. In the Trautman case, although the psychological testing and form had been completed, these items were not in the file when reviewed by the counselor. According to the counselor in this case, she made no effort to locate any additional information that was not in the file. If such information is not in the file, counselors should be instructed to seek it out for review and appropriate action.

Had the counselor in Trautman's case reviewed the psychological testing forms, she would have (according to her statement) noted his claim of previous mental hospital commitment and taken some action to ascertain the significance of this statement.

Response/Action Taken:

Locally, the outcard in the Reception Center Records Office is required to be checked before the Correctional Counselor I prepares the classification score sheet. This insures that all available information is considered and evaluated by the counselor.

Superintendent M. Carroll requested a comprehensive audit of the Records Offices at CIM. Included in this audit was a "document flow" review. As noted earlier in this report, this audit did occur during the month of October, 1983, and the recommendations and findings are currently in the review process in headquarters.

Recommendation #6:

Documents received at the Reception Center from the committing counties should be inventoried when received. A check-off type form could be developed and be processed in the Receiving and Release area when the documents and inmates are received. In conjunction with this, the Department of Corrections should develop a list of required documents from the local jurisdictions. If these documents are not delivered with the individual or received within a specified period of time, arrangements could then be made to obtain this information prior to any classification action.

Response/Action Taken:

All materials received from the committing counties is currently date/time stamped.

As far as a checklist of "Required Documents", the only legally required document (pursuant to PC 1216) for CEC to accept an inmate is the Abstract of Judgment or Minute Order committing the man to state prison.

Cases are processed relying heavily on the POR which almost without exception accompanies the man to prison.

A list of "Required Documents" will be further researched as well as a method of implementation that would insure prompt delivery.

Recommendation #7:

Job descriptions of the clerical staff at the reception centers should be reviewed for accuracy. In the case of the clerk responsible for processing warrants and holds, the manner and means of processing these items were not delineated in that job description. The job description stated the functions to be performed, but gave no basic information as to procedures, rules or policy to be followed.

Response/Action Taken:

Job descriptions of records clerical positions at Reception Center Central have been completely reviewed and revised.

Reception Center West records job descriptions are in the process of being completely reviewed and revised.

Recommendation #8:

The temporary halting of reception center cases being transferred to the California Institution for Men-Minimum Facility should be considered for permanent inclusion into the relevant Classification Manual section. Although it is anticipated that security fencing of the California Institution for Men-Minimum Facility will be completed within the near future, inmates should not be transferred to minimum custody until complete information on their cases becomes available for evaluation.

Although the citizens of the Chino area have expressed their desires for a fenced perimeter at the California Institution for Men, they have also voiced concerns that once the fencing is in place, higher security level inmates will be placed therein. Implementing the above recommendation would assist the California Institution for Men administration in alleviating these concerns.

Response/Action Taken:

There is no disagreement on the issue of not transferring an inmate to a minimum custody facility with incomplete casework information. However, a blanket exclusion of all reception center cases has proven extremely wasteful of resources and unnecessary for security. As an emergency measure, this exclusion rule caused the CIM inmate count to drop by over 700 inmates in five months, creating severe overcrowding and hardship in other facilities.

Managing the current prison overcrowding requires careful analysis of all available resources. As an alternative to the complete exclusion of reception center cases from CIM, the goal of safely housing all inmates is best met through other actions taken. These actions include longer processing time and transfer to higher custody if needed to gather complete information, establishing a control movement intake unit at CIM, constructing a security fenced perimeter at CIM, revised procedures for handling legal information and better information from other parts of the criminal justice system.

Recommendation #9:

California Institution for Men (CIM) staff have made recommendations and budget proposals regarding security modifications and staff increases to provide more security at the Minimum Facility. These were reported in Section IV of this report and will not be restated here. The writer feels that these requests should be given serious and positive consideration by the department and the Legislature.

Response/Action Taken:

A total of 12 records positions have been either redirected to CIM from other institutions, or established as allocated in the 1983-84 budget.

The additional perimeter security positions will continue until the fence is in place (expected date of completion is January, 1984) at a cost of approximately \$140,000, as these are unbudgeted positions.

State of California

**M e m o r a n d u m**

Date : September 8, 1983

To : Mr. Walter Barkdull  
 Assistant Director,  
 Legislative Liaison  
 Department of Corrections  
 Sacramento CA 95803

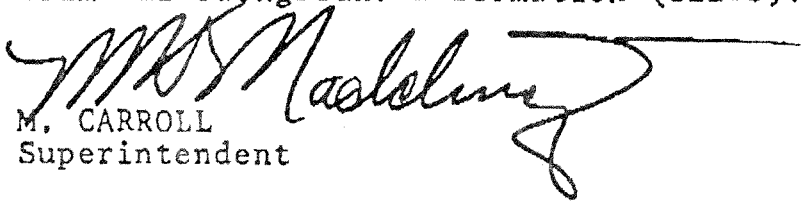
From : California Institution for Men, Chino 91710

Subject: Proposed Legislation

Attached is a recommendation for proposed legislation to standardize required information contained in Probation Officers' Reports.

This information is vital in appropriately classifying men committed to state prison. It is also felt that the additional information will be of assistance to the sentencing courts.

I have discussed the matter with E. Ylst, CMF Superintendent, as it would also affect the Northern Reception Center and he agrees with the recommendation. Mr. Ylst would like to include in the recommendation that the Department of Corrections Reception Centers be provided the same capabilities as local law enforcement agencies for obtaining immediate criminal background information (CLETS).

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 M. CARROLL  
 Superintendent

pd



State of California

**M e m o r a n d u m**

Date : September 6, 1983

To : M. Carroll  
Superintendent

From : California Institution for Men, Chino 91710

Subject: Proposal "Information and Fact Sheet"

## STATEMENT OF PROBLEM

It has been evident for quite some time to departmental staff and specifically to those involved in the classification process and casework services, that there is a great deal lacking in available information pertaining to inmates. Part of the problem stems from the accelerated processing time which prevents important information such as holds and prior CDC/CYA records from arriving at the reception center before an inmate is transferred, as well as inadequate probation reports. It must be acknowledged that probation reports vary from county to county and the contents are governed by court and probation department policy. For example, Los Angeles County probation reports usually include a complete criminal history section reflecting every known arrest and disposition. On the other hand, some counties simply refer to an attached CII which may or may not accompany the report and other counties only speak to conviction history and fail to note other arrests.

In order to resolve some of this problem, specifically in light of the recent tragic events in the local community, the following proposal is suggested.

1. The attached "Information and Fact Sheet", must be completed by the probation department and attached to every probation report on cases committed to state prison.
2. A copy of a recent CII must be attached to or accompany all newly committed inmates. Even if the probation report includes a complete section on criminal history, a CII still should be sent in with the probation report.
3. The probation departments should be required to include the original and any supplemental probation reports that pertain to the same case. In many instances, commitments are received that only include the original probation report which might be several years old thus providing no information on recent offenses or how the individual violated probation and in other cases, only the



-2-

supplemental probation report is received. In the latter case, without a copy of the original probation report no information is available on the specific case for which probation was granted.

It is strongly felt that implementation of this proposal would be of extreme value to the Department of Corrections and would certainly provide an extra level of protection to the community by providing critical information that would be used in the processing of inmates and eventual institution placement.

~~H.~~ B. MITCHELL

H. B. Mitchell  
Correctional Counselor II  
CIM/RC-West

cc: M. Madding  
Chief Deputy Superintendent

INFORMATION and FACT SHEET

Name:

Date:

Superior Court Case Number:

County:

DPO:

I HOLDS/DETAINERS:

II AKA's:

III CASES PENDING:

IV SEX OFFENSES:

V ESCAPE HISTORY:

VI ARSON HISTORY:

VII HOMOSEXUAL:

VIII GANG ACTIVITY: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

IX ENEMIES: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

X COUNTY JAIL ADJUSTMENT: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

XI PROTECTIVE CUSTODY NEEDS: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

XII POTENTIAL MANAGEMENT PROBLEMS: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

SENATE MEMBERS:  
DANIEL BOATWRIGHT  
ED DAVIS  
ROBERT PRESLEY

ASSEMBLY MEMBERS:  
RICHARD ALATORRE  
TERRY GOGGIN  
BYRON SHER

# California Legislature

## JOINT COMMITTEE ON PRISON CONSTRUCTION AND OPERATIONS

SENATOR ROBERT PRESLEY  
CHAIRMAN

ASSEMBLYMAN BYRON SHER  
VICE CHAIRMAN

September 9, 1983

Mr. Cecil Steppe,  
Chief Probation Officer  
County of San Diego  
2901 Meadowlark  
San Diego, California 92101

Dear Mr. Steppe:

This letter is about a subject that I am sure concerns you as much as it does me--the escape of Kevin Cooper from CIM and the methods that we can devise to help prevent similar occurrences in the future.

As we now know, the inadvertent omission of aspects of Cooper's record from the probation report that accompanied him to CIM was at least partly responsible for his misclassification and escape. Because of the caseload that Los Angeles County probation officers must carry, this oversight is understandable, and my request to you should not in any way be considered an indictment of probation departments.

In my capacity as Chairman of the Joint Legislative Committee on Prison Construction and Operations, I have been attempting to formulate an administrative response to the Cooper situation. After discussions with the Attorney General's office and the Department of Corrections, both in Sacramento and at CIM, we put together a meeting with representatives of these two agencies and with people from the Los Angeles and Contra Costa Sheriffs' Departments, the Board of Corrections, Sacramento County Probation Department and Clerk's office, and Susan Cohen, the CPPCA advocate.

At this meeting, we arrived at two conclusions:

1. The Department of Corrections should install computer capability at CIM and the Northern California Reception Center so it can tap instantaneously into rap sheet information from NCIC, FBI, CLETS and other statewide networks, for quick information on any inmate taken to California State Prison. To aid in his classification this would be a great help (now for instance, there is a four to six weeks delay between the time Corrections seeks and receives information from CII, and even longer time gap

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Mr. Cecil Steppe  
September 9, 1983  
Page Two

in receiving FBI reports.) By the time the information is received, particularly aliases, escapes, holds from other states, violence and mental commitment records, etc. the inmate has long since been classified and sent out to minimum, medium or maximum security facilities. If CIM had had this information quickly, it probably would not have misclassified Cooper and the tragic events would not have transpired.

2. The most important single document in the classification process at the Corrections reception centers is the Probation Report. No one has access to more sources of information on an inmate headed to prison. It was the consensus that we call on the Chief Probation Officers to work with CDC to come up with agreement on the basic materials needed in probation reports and seek your good offices to get every county to follow a basic form with basic information.

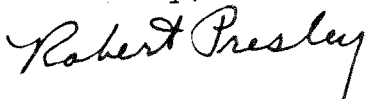
Now, Corrections personnel state, the reports vary widely from county to county; some are very complete, some sketchy; some also include CII and FBI reports, some do not, etc. etc.

I realize that you all have budget problems, but I am asking that you work with Corrections to come up with a standard report form that will include the basic information needed to help classify inmates, and help us all make sure that no more Kevin Coopers escape from prison facilities due to misclassification.

Los Angeles County Chief Probation Officer, Kenneth Kirkpatrick, who testified at our hearing on the Chino incident, has already made several improvements in his operations, and some of these steps might well be worth your perusal. I am enclosing a copy of a summary of his steps, which he sent to me.

With budget problems and staff overloads, I hope that we can come up with methods that will accomplish what is needed without adding to your staff load. That's why I want to rely on your help voluntarily, rather than going the legislative route. I think that by putting our heads together, we can come up with a system that works, yet does not result in a paper blizzard or an unrealistic additional work load.

Sincerely,



ROBERT PRESLEY, Chairman  
Joint Committee on Prison  
Construction and Operations

RP:rhb



CHIEF PROBATION OFFICERS of CALIFORNIA

September 16, 1983

Senator Robert Presley  
3610 Central Avenue, Suite 608  
Riverside, California 92506

Dear Senator Presley:

I appreciate your letter of September 9, 1983, wherein you asked for the voluntary support from California's Chief Probation Officers in devising methods to help prevent the misclassification similar to the recent Kevin Cooper incident.

My response has been delayed in order to allow me the opportunity to present your concerns to my fellow Chief Probation Officers during our annual conference held here in San Diego this week. I am happy to report that following a thorough discussion of this important matter, we concluded that there is no need for new legislation to address the issues of concern. We also understand and agree with the important central role of our presentence reports and wish to strengthen our efforts whenever possible.

Thank you for sharing a copy of Mr. Kirkpatrick's summary of the steps he is taking in his department concerning the presentence report. I took the liberty of sharing this material with the the other chiefs. There are, however, a range of issues that the chiefs raised relating to practices which resulted in the misclassification and escape in the Cooper case. Some of those issues and avenues of correction are as follows:

1. With the magnitude of budget reductions, staff losses, and increased caseloads for probation officers, improved methods do not necessarily preclude "inadvertent omissions" especially in high-volume assignments.
2. The Chief Probation Officers of California have been working diligently during the past year to develop a statewide implementation of the NIC Case Classification System which will strengthen sentencing and supervision of offender practices. Chief Probation Officer Dr. Michael Schumacher of Orange County, along with other representatives from our Association, has scheduled time with you to fully explore the NIC Case Classification System. We also wish to share with you California's Judicial Council Rules on felony reports and related matters.

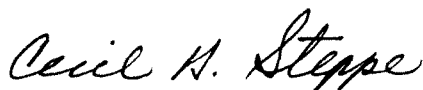
September 16, 1983

3. A "Criminal Justice Partnership Workshop" is scheduled for October 18-19, 1983, in Concord, California, which will bring representatives from the Sheriffs' Departments, Youth Adult Correction Agency, Department of Corrections, Board of Corrections, California Youth Authority, Office of Criminal Justice Planning, and our Association to open and strengthen communications between us as a first step in solving long- and short-range problems. Among the many items to be discussed will be the content and purpose of the Probation Officers Presentence Report.
4. Presentence Felony Investigations are mandated by the state, and the Judicial Council Rules clearly outline the information that must be contained. All of this is accomplished with no accompanying funding from the state to local jurisdictions. As total appropriations for Probation services are reduced, our service levels will continue to suffer. In order to reverse this process, Probation must have a stable funding base.

The Chief Probation Officers of California have been working with others in the Criminal Justice System during the past year to improve communications and thereby improve the quality of our collective efforts.

We appreciate your interest and ask your continued assistance and support as we seek ways to stabilize our funding base and improve the manner in which the correctional system functions.

Sincerely,



CECIL H. STEPPE  
Chief Probation Officer

CHS:mm1

DEPARTMENT OF CORRECTIONS

**CALIFORNIA INSTITUTION FOR MEN**

P.O. BOX 128, CHINO, CALIFORNIA 91710



December 15, 1983

Senator Robert Presley  
3600 Lime Street, Room 111  
Riverside, California 92501

Subject: Report of Death

Dear Senator Presley:

At the Joint Legislative Committee Hearing on November 28, 1983, at the California Institution for Men, you inquired about the reporting procedures in the event of an inmate death.

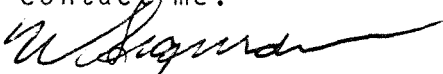
The Department of Corrections Administrative Manual Section 6202 requires the completion of a detailed written summary of the circumstances surrounding the death on CDC Form 229-D.

To comply with Government Code Section 12525, the detailed written summary must be mailed to the Attorney General's Office within ten days after death.

This was complied with in the case of David Jaloma, C-36292 (note attached cover memo dated July 21, 1983 to Attorney General VanDeKamp.)

In response to your question as to whether or not the local Health Department was notified in the case of Mr. Jaloma, they were notified. The final report by the County Pathologist stated: "Cause of Death: Multiple complications of viral hepatitis, clinical, weeks."

I trust this will answer your questions. If any further information is necessary, please do not hesitate to contact me.

  
W.E. SIGURDSON  
Chief Medical Officer  
CIM Hospital

pd

Att

cc: Mrs. Carroll  
Mr. P. Kenady



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