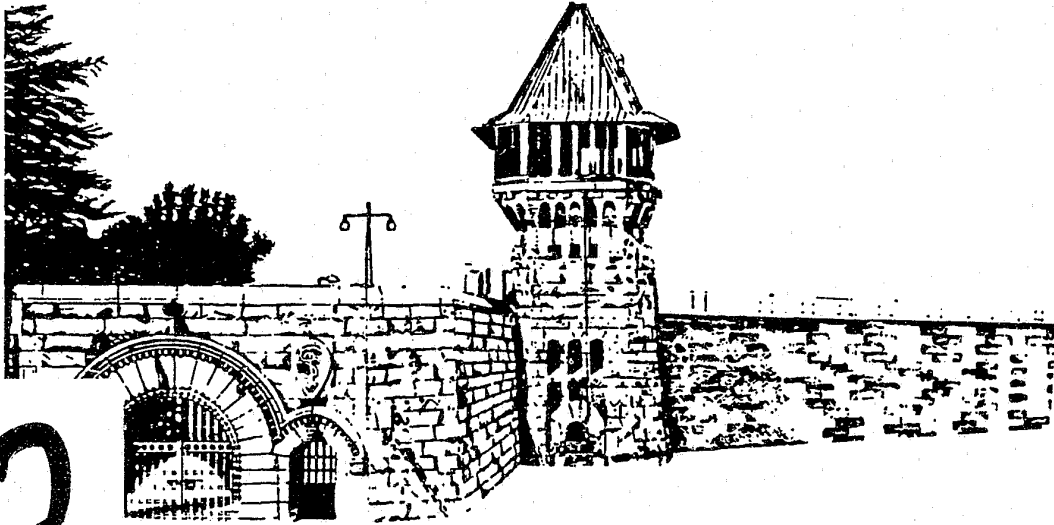




Anatomy of a prison: **FOLSOM**



128353

**Examination of Selected Operational
and Policy Questions
Affecting California's Prisons Today**

LEGISLATIVE REPORT
Legislative Prison Committee
for Robert Presley, Chairman
1990

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POLICY, AND FISCAL QUESTIONS
AFFECTING CALIFORNIA'S PRISONS TODAY**



**SPECIAL REPORT
JOINT LEGISLATIVE PRISON COMMITTEE
SENATOR ROBERT PRESLEY, CHAIRMAN**

CALIFORNIA LEGISLATURE, SACRAMENTO

APRIL, 1990

**SENATOR DAN BOATWRIGHT
SENATOR ED DAVIS
SENATOR ROBERT PRESLEY**

**ASSEMBLYMAN DICK FLOYD
ASSEMBLYMAN STEVE PEACE
ASSEMBLYMAN BYRON SHER**

128353

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April 20, 1990

Mr. James Rowland, Director
Department of Corrections
1515 S Street, Suite 351N
Sacramento, CA 95814

Dear Jim:

This is an examination of selected operational and policy issues made by the Joint Committee on Prison Construction and Operation during the past year at Folsom State Prison.

It does not attempt to be an inquiry into all of the many aspects of running a complex society of 7,000 inmates and 2,000 staff members. However, I believe that our findings on these particular issues at Folsom will be of help to you in pursuing systemwide improvements.

I appreciate the assistance and cooperation you have provided along with your staff at Folsom and in the Department of Corrections.

This inquiry was conducted under the mandate and responsibilities of the committee to provide legislative oversight of the state's prison system.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bob", written over a horizontal line.

SENATOR ROBERT PRESLEY, Chairman

RP:RH:BH

cc: Senator David Roberti, President Pro Tem
Assemblyman Willie Lewis Brown, Speaker
Assemblyman Tom Bane, Chairman, Joint Rules Committee
Senator William Lockyer, Chairman, Senate Judiciary
Committee
Assemblyman John Burton, Chairman, Assembly Committee
on Public Safety
Senator Al Alquist, Chairman, Senate Budget and Fiscal
Review Committee
Assemblyman John Vasconcellos, Chairman, Assembly Ways
and Means Committee

FOLSOM PRISON MISCELLANY I 1 - 3

Drug programs: Medical costs: Folsom's ombudsman:
Disciplinary actions against staff: The yard
photographer: Overtime costs vs. PIEs: Inmate
canteen: Hangings to Harmony

PRISON LITIGATION J 1 - 6

62 Attorney General staffers handle suits
systemwide, 500 at Folsom alone

POLLUTION OF THE AMERICAN RIVER K 1 - 20

Committee finds unreported instances, spills;
Water Control Board issues abatement order

GROOMING STANDARDS L 1 - 3

Relaxed standards vs. military-style rules

INMATE PERSONAL PROPERTY ITEMS M 1 - 8

Are TVs, radios, hot pots, canned goods
justifiable for Level IV inmates?
Valid management tools, prison officials say

PLANT, PREVENTIVE MAINTENANCE N 1 - 2

Folsom defends inmate/paid staff mix:
Is deferred maintenance adequate?

PRISONER VISITOR RIGHTS O 1 - 4

Stiff rules apply but visiting known to be major
drug source in generally unrestricted visiting

INMATE MAIL RULES P 1 - 3

Four 30-lb. packages from home a year defended
by Folsom, Corrections as valid management tool

SPORTS AND RECREATION BUDGET Q 1 - 4

Weight lifting: Danger or tension easer?
Budget: \$16,000 for balls, \$14,000 for instruments

GENERAL SUMMARY, MAJOR RECOMMENDATIONS R 1 - 3

Contributing to the field work,
research and writing of this report were
Robert E. Holmes, Martin Pinon,
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TABLE OF CONTENTS

INTRODUCTION: POINTS OF THE INQUIRY.	v - vi
GENERALLY UNRESTRICTED PHONE CALLS.	A 1 - 15
Almost any discipline-free inmate--including drug dealers, gang killers--can make collect calls; Monitoring only on random basis	
INCOME FROM INMATE PHONE CALLS	B 1 - 11
State share should triple from new statewide inmate phone call commissions contract	
FOLSOM ELECTRICITY, WATER USAGE.	C 1 - 6
Instances can be found but Folsom statistics show reduced rates of utility usage, savings	
MATERIALS, EQUIPMENT WASTE, DESTRUCTION.	D 1 - 15
Officers cite lists of wasted, junked items: prison announces new salvage control program	
"PRUNO:" THE INMATE'S CHOICE	E 1 - 3
Inmate-made wine: Inevitable part of prison life or uncontrolled danger to staff prisoners?	
PROGRAM ADMINISTRATORS.	F 1 - 3
Unit management state-of-the-art throughout system but fine tuning, re-study now advisable	
CLOTHING, LINEN, BLANKET CONTROLS	G 1 - 7
1988 memo listed \$1,000 daily loss at Folsom, \$500 at Susanville; new salvage systems could cut waste	
FOOD WASTE AT FOLSOM	H 1 - 18
Unavoidable in a 7,000-inmate prison? Could it be given to needy families, the homeless? Susanville study proposes dry/bake re-use system	

CONTINUED...

OVERVIEW

One factor which must of necessity be kept in mind in analyzing any problem at Folsom Prison today, or at any California prison, is the critical impact of the overcrowding. Systemwide the prisons are at 170 percent of capacity; at New Folsom the percentage is 185 % and at Old Folsom--a structure built more than a hundred years ago and not designed for the problems of today--it is 165 % of capacity.

Many changes have been made at Folsom over the past six years. These figures impact upon almost every issue examined herein, from how to feed an overcrowded prison of maximum security inmates to how to reduce clothing waste, from preventive maintenance to formulating mechanisms to stem violence and stress without making prison life too "easy."

On the other hand is the fact that California voters have approved more than \$3.2 billion over the past years for the construction of the nation's safest and most functional state-of-the-art correctional facilities and that the state has set salaries for correctional staff--second highest in the nation--at a level that should attract the highest quality employees.

Harder to measure as to its impact upon prison operations and decisions is the fact that 75-80 percent of the inmate population are known substance abusers.

INTRODUCTION

POINTS OF THE INQUIRY

This inquiry stemmed originally from complaints, both written and oral, made to staff members of the Joint Legislative Prisons Committee by approximately 20 corrections officers at Folsom. These were followed by a series of meetings involving the officers, prisons committee staff members, top level officials of the Department of Corrections and Folsom, including Corrections Director James Rowland and Warden Robert Borg, as well as several other Folsom officials.

The Committee also heard testimony at its December 19, 1989, hearing.

Committee staff visited Folsom on several different days and on different shifts, with primary focus on Old Folsom. Some 120 employees at all levels were interviewed both on and off their job sites. A number of inmates were also interviewed at random as committee staff moved around the prison. Throughout this process, employees and inmates were assured of confidentiality. Most of those interviewed talked freely and committee staff felt that valid information was obtained during the visits to the five major buildings at Old Folsom as well as at New Folsom. Legislative Analyst assisted in examining some of the issues.

Decision was made to pursue many of the questions raised by the correction officers because preliminary follow-up by committee staff indicated there was enough evidence to warrant further examination--not only as the issues applied to Folsom Prison but to the state's prison system in general.

Several aspects of the prison's operations beyond those cited by the original complainants, were also looked into in the inquiry. The study was undertaken as part of the oversight

responsibilities of the Joint Legislative Prisons Committee as mandated by the Legislature in Chapter 1549 of the 1982 session.

The inquiry and this resultant report are not meant to be a complete examination of the operations of Folsom Prison but rather an examination of selected operational and policy issues. A complete study would take a staff of experts perhaps a year or longer, similar to that carried out by the Auditor General's office in 1987 which itself was primarily a financial audit.

Folsom was not singled out because it was considered the worst or the institution most in need of scrutiny, but because the original complaints emanated in this case from Folsom. The examination was in essence a study of several aspects of one prison: the problems or subject areas looked into could be found at any of the state's 22 prison facilities, and the issues raised and possible solutions--thus take on a system-wide significance. In numerous aspects, Folsom probably exceeds performance at many other prisons, such as reduced levels of violence over the past three years.

The inquiry basically centered on these contentions:

- o that large quantities of food are thrown out when lockdowns occur before mealtime (confinement of inmates to cells during stabbings or violence) or due to theft by inmates and staff, and that much of this might be salvageable and provided to area charity groups providing food to the needy.
- o that the prison system and the State of California receive far too small a percentage of the income from inmate-generated phone calls, resulting in loss of several million dollars yearly.
- o that most inmates are permitted almost unlimited phone calls, and are able to set up crimes, make threats and plan drug sales through the phone calls because of the prison's inability to monitor completely the thousands of calls made each month.
- o that inmates at Folsom, primarily a Level IV prison for offenders with the longest, most violent records, are given too many privileges, that prison life is being made too "easy." These included such issues as:
 - Allowing each inmate to receive four 30-lb. packages yearly of food, clothing, personal items from home or relatives is excessive for maximum security inmates, offers too many opportunities for incoming contraband and drug items and that the necessary searches and volume of mail uses too much

staff time.

--Permitting inmates to have long hair, to wear civilian clothing including Reebok tennis shoes and designer jeans.

--Not holding inmates responsible for loss of blankets or linens or prison-issued clothing they lose.

--Permitting prison inmates to have too much personal property, including television sets and radios, hot pots, magazines and books, records, full range of personal items, large quantities of food in their cells.

- o that the unit management system and use of program administrators--used in all state prisons but instituted at Folsom only since 1986--is not working and gives authority to too many unqualified persons compared to the old system of correctional sergeants, lieutenants and captains running each unit. Under unit management, counselors and program administrators--who set up plans and programs for individual inmates--too often have authority over correctional officers on Folsom units.
- o that canteen sale of sugar and dining room availability of fruit makes it easy for inmates to manufacture alcoholic beverages, or 'pruno' which results in inmate drunkenness and violence, and that this is in some ways more dangerous and disruptive than inmate drug use.
- o that waste of utilities exists at Folsom that should be curtailed, such as water in showers left running many hours a day, no switches on the lighting, etc.
- o that tens of thousands of dollars, perhaps more, of equipment and materials are junked or broken up that could be salvaged. These range from desks, computer parts, metal baking trays and racks, used swamp coolers and cement mixers, auto parts, to large quantities of nails, bolts, screws, fencing, pipe, dry wall.
- o that wide-open visitor policies for most inmates permit inmates to have visitors every day in some instances, and result in widespread bringing-in of drugs.
- o that inmates through constant use of weight lifting equipment and strength enhancement were endangering

safety of staff and citizens once the inmate was paroled.

- o that Folsom Prison was dumping illegal liquids and substances into the American River, some of which were not being reported to the Water Resources Control Board and were in violation of state law and regulations.

The complaining staff members made numerous other contentions (1) that athletic equipment was destroyed and wasted by inmates; (2) that hernias and other injuries from weight lifting exercise was costing taxpayers large sums; (3) that all inmates should be required to reach some levels of education, and that (4) there was widespread staff and inmate involvement in drug sale and use at Folsom. They may be pursued by ongoing investigations by the committee staff.

Complaints were also heard concerning Warden Borg and other top administrators, contentions that staff had inadequate mechanisms to voice complaints, that there was improper use of staff or favoritism, that training for new officers at the McGee Training Academy was too short and inadequate, and that specific officers' cases had been mishandled. These were generally not pursued in the inquiry. This investigation did not attempt to deal with personnel issues or individual matters or complaints, but attempted to look into performance results on prison-wide issues raised by the complaining staff members or situations uncovered in the committee staff's own inquiries.

Prison officials and administrators were generally cooperative with prison committee staff and made records available and permitted unrestricted access to prison facilities, inmates and staff. Officials also provided detailed written responses to allegations made by complainants in most instances, and totaling more than 300 pages.

Their response to numerous complaints or situations were that these are based on system-wide policies, not ones established at Folsom, that state law, court decisions and portions of Title 15 set down rules and guidelines which each prison must follow, that complaining officers tended to be malcontents or officers who did not understand overall problems of operating a prison. However, prison officials agreed that numerous valid issues were raised and are taking corrective action.

Issues looked into generally broke down into two categories.

- (1) Fiscal, financial and operational aspects of running a state prison, in this case Folsom Prison.

- (2) Policy questions on what privileges or "perks" should be granted to inmates and the impact of these control mechanisms.

This report examines various sides of the issues cited and draws conclusions and makes recommendations.

Many of the staff complaints at Folsom stem from two factors: The first source of conflict was the change in 1986 from the old line administration with the prison operations dominated by the Captain and a small number of Lieutenants to Unit Management with power vested in a Chief Deputy Director and five program administrators. The second source of conflict come from differing philosophies of prison management. Many staff, both new and old, feel that inmates are pampered and that they should be treated in a harsher manner, and that they should not have many of their present benefits.

Folsom is the most conservative of the prisons: The last to integrate the dining hall; the last to hire minorities; the last to accept affirmative action; the last to hire women; the last to go into Unit Management. Some say Old Folsom way was a system of calculated brutality, just enough to engender fear in the inmates. There is a CDC staff faction, both old and new and entirely underground who think corporal punishment would help them control the prisoners. One of the Folsom inmates said that some of the new staff are worse than the old staff, since the old staff punished inmates only as needed while some of the younger staff want to punish all inmates.

Three points need to be made as a preface to this report. The first point is that these issues are not new and have had management attention from time to time over the past 50 years. Secondly, the problems are not unique to Folsom State Prison but exist in some degree at all Department of Corrections facilities. The third point is that some issues such as Unit Management, visiting, property allowances and grooming standards involve state-wide policy contained in Title 15 of the Administrative Code, mandated in legislation or in court decisions. There are no easy solutions to most of the problems identified in this report.

This preface does not mean that nothing can be done about food, clothing or utility waste. Even long-standing and seemingly successful programs such as Unit Manager should have periodic administrative reviews. Prison managers need periodic reminders that operations such as food and clothing management need periodic top-level attention.

Finally, operation of prisons involves a precise balance

between force, punishment and incentives. Any review of inmate rights and privileges must be done without disturbing this balance and without going too far in either direction.

GENERALLY UNRESTRICTED PHONE CALLS

ALMOST ANY DISCIPLINE-FREE INMATE--INCLUDING DRUG DEALERS, GANG KILLERS--CAN MAKE COLLECT CALLS: MONITORING ONLY ON RANDOM BASIS

Ten years ago there were no phones at Folsom Prison exclusively for inmate use. Five years ago there were four. Today there are 60-70. Systemwide there are more than 1,100 phones for inmate use, or about one per 80 inmates.

The number of inmates at Folsom has doubled in the past ten years and they can only make outgoing collect calls, thus there is no direct cost to the state. In fact, because of phone company commissions paid to the state on those calls, the state makes several million dollars a year from such traffic--one of the few aspects of the state prison system which makes a profit.

However, the nearly unlimited access of inmates to phone use raises several issues, some financial, others public safety issues, others policy issues on whether such practices--especially at a maximum security prison such as Folsom--provide a questionable "perk" or a valid and compassionate part of prison life, one supported by the courts and state law.

Folsom officials estimate its 7,000 inmates make about 103,000 calls a year, though AT&T figures place it much higher, up to 21,000 calls in August, 1989, alone. Approximately 6,000 of the prison's inmates are entitled to almost unlimited phone use; the other 600 disciplinary cases get one or no phone calls per month. Monitoring is done on a random basis.

Under the State Administrative Manual, Title 15, sections 3282 and 3044, any inmate at Folsom or any state prison--even a

major drug dealer or a triple murderer--can make a phone call every night if he is not a disciplinary problem in prison and is working or in training full time.

The number of phone calls an inmate can make is not tied to the severity of his crime nor his past criminal record, but to his conduct in prison. Thus a car thief who was a disciplinary case or refused to work could be limited to one phone call a month or none. A Larry Singleton or a CRIPS drive-by double killer could make a call every night--as long as someone on the other end agreed to accept his collect call. (Only collect calls can be made by inmates).

Phone call rights are thus not tied to an inmate's Classification level (his level of dangerous-ness) nor the crimes for which he was sent to prison, but on a satisfactory work and behavior pattern in prison.

The number of phones in the state's prisons vary, partly commensurate with the number of inmates, partly for other less obvious reasons, including different policies by different wardens.

A sampling of number of inmate phones at different prisons, based on figures provided by Corrections:

	<u>Phones</u>	<u>Inmates</u>
No. Calif. Women's Prison, Stockton	20	700
Deuel Vocational Institution, Tracy	21	3,200
Corcoran Maximum Security Complex	26	5,000
San Quentin	45	4,800
Pelican Bay State Prison, Del Norte	100	1,300
(Maximum security, Level V inmates) (eventually		4,000+)
Chuckawalla Prison, Blythe, medium sec.	100	2,500

Folsom's 60 phones would place it in the mid-range, perhaps even below the median (inmates per phone) since it has 7,000 inmates (See Exhibit A, p. A-12, for complete institution listing.)

Figures provided to the committee by Richard Mason, Governmental Relations Director for AT&T, indicate Folsom inmates made more than 21,000 calls during August, 1989, totaling 230,000 minutes--which means Folsom inmates spent about 4,000 hours on the phone during that month making collect phone calls (a probably meaningless statistic but interesting nonetheless). See Exhibit B.

The company charged approximately \$80,000 for those phone calls, and Folsom received 11% of that, or \$9,766. Such percentages are now the subject of negotiations between Folsom, the Department of General Services and AT & T to double or triple the commission which the state will receive in the future.

(This subject is examined in the next section of this report.)

Pac Bell services 13 of the 19 prisons, and its percentage of return or commission to the state is 11-12 percent.

All state prisons have pay phones where inmates can make collect calls to relatives, friends, and others. Other than through the mail and the visiting of inmates by relatives, which is allowed at every prison in California, phones provide inmates with a connection to the outside world and ties to their families.

Questions were raised by some Folsom staff members, and followed up by committee staff, as to why there are no limits on the number of collect phone calls that most inmates can make out of the prison, that this burdens staff, and permits illegal activities to be set up by phone.

Contentions regarding phone usage were:

- o Tower and yard officers who are required to monitor phones--sometimes several calls at one time--usually have to listen in on inmate calls at the risk of neglecting their primary duty of guarding the perimeter and watching for unacceptable inmate behavior in the yard.
- o Criminal activity is often conducted by inmates using the phones, including requesting others to engage in bringing drugs into the prison or setting up other illegal activity or threatening persons on the outside.
- o Some inmates know how to bill the collect calls they make to third parties other than the relatives or friends to whom they make the calls, thus costing businesses and other third party phone users or credit card holders for such calls.
- o The unlimited collect calls allowed under present policy at Folsom Prison burdens the families of inmates who end up paying the phone bills.
- o Unlimited phone usage by inmates is staff intensive because many times staff are required to take inmates to and from the phones.

In addition to interviews with officers and Folsom administrators, committee staff visited the prison on a number of occasions to inquire and observe phone usage.

DEPARTMENTAL RESPONSE

Initially, the Department of Corrections (CDC) responded to these allegations generally by taking the position that they were restricted in what could be done regarding inmate phone usage and cited sections in the California Code of Regulations, Title 15, and the four different categories of inmates who receive phone privileges. These range from inmates who can make virtually unlimited phone calls during certain hours to disciplinary cases who can make none. However, after an additional and expanded inquiry via a letter dated September 29, 1989, from Committee Chairman Presley, the Department responded to specific questions on phone usage at Folsom.

In the letter to Corrections Director James Rowland, Chairman Presley stated:

I think my main interest in this subject would be twofold: (1) whether we are providing too many "perks" to inmates, especially those in a maximum security prison, or whether this is being operated within reasonable limits, acknowledging that phone calls are an important safety valve for inmates and a compassionate measure, and (2) whether we maintain enough controls to protect public safety on the outside and to insure that no criminal activities operate over phone lines from within our prisons, Folsom just being an example cited herein.

The questions and response by the Folsom administration:

NUMBER OF CALLS

1. "Are there figures on the number of telephone calls made by inmates at Folsom say, during a week, a month or a year?"

In their response, Folsom officials said figures were not available from Pac Bell or AT & T at that time but they estimated that, based on the 60 inmate phones with an 80% usage rate and allowing 15 minutes per call, there are 1,920 weekly calls, 8,640 monthly calls and 103,680 yearly calls.

MONEY INVOLVED

2. "Are there figures on total costs of outgoing phone calls made by inmates during that period?"

Pacific Bell quoted \$29,092 for the period of July through September, 1989 or a weekly average of \$2,155, a monthly average of \$9,697 and a yearly total of \$116,364. All costs are borne by recipients of the calls since all calls must be made collect.

PRACTICES IN DIFFERENT PRISONS

3. "Do the practices vary from prison to prison; are they set by the warden or are there systemwide guidelines?"

Systemwide guidelines are provided, according to the Folsom response, through the system's administrative manual, through Title 15 and through court decisions, but each prison's Operational Procedural Procedures give each warden some leeway.

PRACTICES YESTERDAY/TODAY

4. "How would the present practice at Folsom compare with rules there, say 5 to 10 years ago? Systemwide?"

Folsom officials responded that while general phone policies have not changed in the past 5-10 years, the number of phones has. Inmates sign up for making calls, these are usually limited to 15 minutes each (only collect calls are permitted), security needs are a critical factor, and inmates abusing the privilege are subject to disciplinary action.

They pointed out that ten years ago there were no phones for inmate use, five years ago there were four in the Main Yard. Today there are 60. Most of the increase has resulted from doubling the size of the prison and, during the time Robert Borg has been warden, as part of his efforts to reduce violence at the prison, partly through granting inmates more privileges.

MONITORING OF PHONE CALLS

5. "At night, how many officers would there be monitoring how many telephone calls during, let's say, the four-to-midnight shift?"

Folsom response: All telephone calls by inmates are subject to monitoring by staff, except for confidential calls arranged with prior approval of Correctional Counselor or his/her designee.

Currently at Folsom, 12 towers monitor 60 telephones within housing units and mini-yard settings. This is

exclusive of eight telephones monitored from an office setting (Old Folsom Inspection Post and Folsom Minimum). Statistics are not available to determine how many telephone calls are monitored during an eight hour shift. It is not feasible to monitor each telephone; therefore, telephones are monitored on a random basis. Additionally, documentation is not maintained as to which telephones are monitored. However, during an eight-hour time frame, 12 officers are utilized to monitor telephones. It should be noted that telephones are consistently monitored during Third Watch hours (3:00 p.m. - 11:00 p.m.) and occasionally monitored during Second Watch (7:00 a.m. - 3:00 p.m.). Telephone privileges are not provided during First Watch (11:00 p.m. - 7:00 a.m.).

Committee staff was unable to confirm how much inmate phone calls cost in staff time. During the numerous visits to Folsom Prison, committee staff did not observe inmates being escorted from their cells to the phones and back. Officers monitor calls in addition to their regular and primary duties of manning security towers. This may be an even more difficult issue to quantify because phones are now present in some exercise yards, where calls are made by inmates with minimal supervision by staff.

As to whether monitoring of phone distracts officers from their primary security duties: After interviewing both yard and perimeter tower officers inside and outside of the towers, committee staff concluded that these distractions are especially true of yard tower officers at Old Folsom during the day shifts and where officer's primary duty is and should be the guarding for inmate disturbances or unacceptable activity in the yard areas.

This issue however, did not seem to be a big problem for officers who work in perimeter towers, or at New Folsom.

CRIMINAL ACTIVITY BY PHONE

6. "Have there been instances at Folsom where drug deals were set up or crimes planned by phone calls? Is there evidence the Godwin escape many have been partly set up in that manner, as some staff allege? (Convicted murderer Glen Godwin escaped from Folsom in 1987, has since been recaptured.)

The initial reaction of Folsom administrators was that there have been a few instances of inmates using telephones to perpetrate crimes. Those that were discovered were thoroughly investigated and, when appropriate, disciplinary action was pursued, they state,

adding that there is no information that the Godwin escape may have been partly set up through the use of a telephone. There is evidence that visiting room interaction was utilized.

Committee staff's extensive interviews of staff and inmates confirmed that there is no doubt that some inmates do engage in setting up criminal or unacceptable activities via the phones, thus justifying the need for the monitoring of inmate phone calls by staff.

Both corrections officers and Folsom administrators, however, agreed that inmate visits are a much more likely source of contraband such as drugs being brought into the prison, and of illicit activities being planned or threats relayed to persons on the outside.

MONITORING PROBLEMS

7. "How would a monitoring Officer know if such were being set up, if the inmate used a code, spoke a foreign language or used other methods that would not be obvious to the officer? Or if threats were being made by the inmate to persons outside?"

Folsom responded that a monitoring Officer would not know if a drug deal or the planning of a crime was being set up if the inmate used a code, spoke in a foreign language or utilized other methods of such a nature that would not be obvious to the Officer. This is inclusive of any threats being made in such a manner as described above.

COURT-SET LIMITS

8. "What, if any, are the court-set limits on monitoring such calls? Limits on prison controls?"

Folsom's reply: The monitoring of telephone calls has been challenged in the courts and has been affirmed through the Penal Code, Section 631B. This Penal Code Section allows for similar monitoring of telephone calls in county jails or any law enforcement agency provided in the task of maintaining prisoners.

HARASSMENT, THREATS BY PHONE

9. "Does Folsom receive any complaints over inmates making harassing or threatening phone calls? How frequently?"

Folsom: According to its Investigation Unit, Folsom has received complaints from citizens in regard to inmates making harassing and/or threatening telephone calls. Though such complaints are rare, each is thoroughly investigated. Generally, the complaints are made by those other than the party accepting the call. A file review of such instances is being conducted.

STATE GET STUCK?

10. "Does the state (or the prison) get stuck with any telephone calls which somehow do not get billed collect?"

Folsom: According to Pacific Bell, equipment is built to disallow anything but collect calls. If for some reason they had equipment breakdown, the telephone company would absorb the cost. The institution would not be billed.

UNSUSPECTING THIRD PARTIES

11. "Can the clever inmate bill his call to a third party, as staff contends?" Have you had complaints from phone companies?

Folsom: Third party billing by an inmate has been accomplished in the past. However, the telephone companies have been successful in establishing a specific coding to inmate telephones located within the institution. This coding is designated through the outcall phone numbers. This coding prevents inmates from access to information, charging a call to a third party, legalizing access codes or telephone credit cards. We have had no complaints from the telephone companies.

LIMITS ON CALLS

12. "Are there any limits on the number of calls an inmate can make or as to how long he/she can talk per call, per day or the like?"

Folsom: Frequency of personal calls are determined by the institution's capabilities and the inmate's Work Training Group, in conjunction with Folsom's Operational Procedures #41: Work Incentive and #49: Telephone Use.

(In practice, a discipline-free inmate who works can make phone calls every day, subject to the number of other inmates who have signed up.)

GUIDELINES:

(1) Work/training Group A inmates have as many calls per month as permitted by the work or training schedule and telephone availability. (See Exhibit D for breakdown.)

(2) Work/training Groups C and D (disciplinary case) inmates are permitted only one personal call monthly or none and authorized emergency calls.

Telephone access schedules allow for 15-minute periods per call. Vacant time periods are normally reserved for emergency calls. All telephone calls are subject to immediate cancellation during an emergency situation.

INCOMING, EMERGENCY CALLS?

13. "Can inmates receive incoming calls? In an emergency, would the prisoner be allowed to accept such a call, such as if an inmate's wife were dying, or the like?"

Folsom reply: Inmates are not permitted to receive incoming calls. Emergency telephone calls will normally require prior approval of the inmate's assigned Correctional Counselor. If an emergency call is received from the relative of an inmate, the necessary information is collected and provided to the Counselor to verify.

Once verified, the inmate would then be allowed to make a collect call to the relative. Authorization for emergency confidential telephone calls to an inmate's attorney or another person are subject to the judgment of the Counselor. These calls are not monitored.

BURDEN TO FAMILIES?

14. Do inmates abuse phone privileges and burden their families with excessive phone bills?

According to the staff interviewed by committee investigators, there is no doubt that on occasion, inmates do abuse the phone system by making excessive collect calls, but that the number of such abuse is not significant.

Also, administrative staff at the prison confirmed that families on occasion have complained about the number of phone calls they had to pay for but that "we have received very few complaints."

Committee staff was unable to confirm or refute whether inmate families are burdened with excessive phone calls because such bills were not available and were not sought out from inmate's families. There is no way of knowing whether a poverty stricken family is likely to complain about phone call costs to prison officials, or the imprisoned family member.

CONCLUSIONS, RECOMMENDATIONS

It is obvious that phone availability for inmate use has greatly increased at Folsom, and probably at other prisons, as an inmate benefit to humanize prison life and make prisons easier to operate, more controllable, less violent. Not easily measured are such issues as whether this leads to increased illegal activity set up by such calls, whether monitoring phone calls hampers staff in their regular duties, the impacts on families and persons on the outside.

Telephone calls made by inmates to the outside world were rare 30 years ago. Inmate phone calls could be authorized by the chaplains or by the warden's office in the case of a family death or other serious situations. Calls to attorneys were not considered emergencies.

One old San Quentin hand remembers when "in order to get permission to make a phone call, the inmate had to beg and whine, to get his minister's backing, all kinds of things." Today inmate phone calls are as much a part of prison life as 3 good meals a day.

- o Folsom should consider polling officers who monitor phone calls to determine whether this seriously interferes with their security duties, and if it does, consider placing or sharing this responsibility with other staff.
- o The department should consider taking an unsigned survey of inmate visitors to determine whether a substantial number believe they receive too many calls at too great a financial burden.
- o The department, at Folsom and elsewhere, should conduct in-depth random surveys of outgoing calls by persons familiar with gang and other criminal activities on the outside, to determine how much illegal activity is fostered through prison phones; bilingual and multi-lingual staff should be used.
- o The department should re-examine its policy of permitting almost unlimited phone calls for any

inmate who conducts himself well while in prison, regardless of whether he is a major drug dealer, multiple killer, gang member or has a record of threatening persons on the outside.

Limits, such as perhaps one phone call a week, or no calls, should be considered for such inmates based on their criminal records and known contacts with active criminal cohorts on the outside. Such limits should be particularly considered for gang figures, known drug dealers, career criminals and other with long records of criminal activity on the outside. Prison management concerns need to be balanced with public safety concerns.

Phone calls, like some of the other policy issues raised in this report, are related to a philosophy of prison operation. Should prisons be as uncomfortable and as restrictive as possible, or should prisons encourage as normal a life as is possible under the circumstances? Most reasonable people would say that prisons should prepare prisoners for constructive life in society. The debate is over how much "normalization" is appropriate to do this job.

However, the skyrocketing percentage of inmates with drug abuse and gang ties in their backgrounds and their drug connections used both inside and outside of prison, as well as the number of drug dealers now imprisoned with likely ties to ongoing operations outside, pose new questions that also have to be considered in grading unlimited phone calls as a prison necessity.

Currently, according to Folsom statistics as of March 26, 1990, 5,962 of the 6,573 inmates in Folsom are in Category A, meaning they have no restrictions on the number of phone calls they can make. Only about 420 are in Categories C and D, disciplinary cases whose phone calls are limited (See Exhibit D for complete breakdown.)

SURVEYS OF PHONE CRIME

In response to a committee request, Corrections surveyed six of its institutions on whether inmates make use of phones to perpetuate. Three institutions kept such statistics:

- Deuel Vocational Institution, Tracy: 14 investigations regarding such calls, 25 investigations from use of mail to set up crimes, 9 during visitor contacts. DVI officials were also able to provide relevant information to local law enforcement officials in 15 other cases through monitoring of inmate phone

calls.

- Correctional Training Facility, Soledad: 3 from calls, 15 from visiting room, 5 from mail. By monitoring one inmate's calls, CTF officials put together a case against him for extorting money from inmate families; he was prosecuted and convicted.
- Vacaville State Prison reported breaking up a narcotics trafficking operation linking inmates and persons on the outside.

Though the November 13, 1989, letter from Director of Corrections, James Rowland, said objective figures are difficult to arrive at, he added, "There is little doubt some inmates use telephone privileges to commit crimes." He concluded there is not enough evidence to show the abuses are widespread.

The new maximum-security Pelican Bay State Prison, in Del Norte County, has a computerized system enabling it to monitor and record up to 10 inmate calls simultaneously. This system can produce a wide variety of statistics, such as the number of calls an inmate is making, geographical distribution of calls, and number of calls being made to one number--one method for checking out a possible drug facility. It also enabled the prison to halt calls being made by several inmates to a chair-ridden citizen in the community, seeking money and sexual favors, prison officials there state.

TELEPHONES FOR INMATES, VENDORS PROVIDING SERVICE

EXHIBIT A

COMMISSIONS PAID TO STATE, DECEMBER 1989

Compiled by Dept. of Corrections

<u>INSTITUTION</u>	<u># OF PHONES</u>	<u>UTILITY PROVIDER</u>	<u>LONG DISTANCE PROVIDER</u>	<u>COMMISSION PAID MONTHLY*</u>
Soledad	81	PAC BELL	AT&T	\$14,868.25
Tehachapi	50	PAC BELL	AT&T	10,443.00
San Luis Obispo	28	PAC BELL	AT&T	5,723.61
Avenal	85	PAC BELL	AT&T	17,624.51
Ione	74	PAC BELL	AT&T	15,180.48
CWF Stockton	23	PAC BELL	AT&T	3,147.48
Jamestown	30	PAC BELL	AT&T	2,571.09
Deuel	17	PAC BELL	AT&T	5,174.68
Folsom	75	PAC BELL	AT&T	8,239.47
San Quentin	20	PAC BELL	AT&T	5,182.59
Norco Rehab.	101	PAC BELL	AT&T	27,919.95
San Diego	97	PAC BELL	AT&T	13,934.14
Madera	64	PAC BELL	AT&T	0.00
CMF Vacaville	<u>105</u>	PAC BELL	AT&T	<u>34,721.03</u>
PAC BELL TOTALS:	850			\$164,730.28
CIM	40	GTE	AT&T	6,000.00
CIW	<u>62</u>	GTE	AT&T	<u>4,600.00</u>
GTE TOTALS:	102			10,600.00
Pelican Bay	<u>109</u>	GTE/NW	TBD	<u>0.00</u>
GTE/NW TOTALS:	109			0.00
Blythe	46	CONTEL	AT&T	0.00
Corcoran	<u>TBD</u>	CONTEL	AT&T	<u>0.00</u>
CONTEL TOTAL:	46			0.00
Susanville	<u>36</u>	CITIZENS	AT&T	<u>0.00</u>
CITIZENS TOTALS:	<u>36</u>			<u>0.00</u>
TOTAL:	1,143			\$175,330.28

* Commission amounts from December 1989 payment.
 Data Obtained by telephone surveys of Institutions and Utilities.
 Prepared by: Mary Gilbert, Office of Telecommunications



AT&T

Richard K. Mason
State Director
Government Relations

Senator Hotel Office Building
1121 L Street, Suite 801
Sacramento, CA 95814
Phone 916 448-8863

November 17, 1989

Mr. Martin Pinon
Joint Committee on Prison Construction and Operations
1100 J Street, Suite 300
Sacramento, CA 95814

Dear Mr. Pinon:

Per your request, attached are the revenue figures for the pay telephones that are used by inmates at Folsom Prison to make collect calls (O+ calls).

The columns are self-explanatory except for the O+ messages column. Messages are telephone calls. The figures are for the month of August. As the note on the second page states, the commission paid by AT&T is 11 percent, which is \$9,766.04 for the month of August.

I apologize for the confusion and delay in sending you the information you requested. If you need more information, the fastest way to receive it would be for you to contact me first. Please keep the attached information confidential as it is proprietary.

Sincerely,

R. K. Mason

INMATE PHONE CALLS, FOLSOM PRISON

ONE MONTH, 1989

AT & T Figures

TELEPHONE	REVENUE	1. REVENUE	TOTAL REVENUE	0. MINUTES	1. MINUTES	TOTAL MINUTES	0. COSTS	1. COSTS	TOTAL COSTS	NET REVENUE
9163580576	1,547.92	0.00	1,547.92	5,877	0	5,877	594	0	594	584
9163510577	1,327.97	0.00	1,327.97	5,203	0	5,203	675	0	675	475
9163510578	1,695.48	0.00	1,695.48	6,742	0	6,742	574	0	574	574
9163510579	1,359.49	0.00	1,359.49	5,402	0	5,402	675	0	675	475
9163511342	2,524.24	0.00	2,524.24	10,855	0	10,855	731	0	731	731
9163511435	2,318.53	0.00	2,318.53	8,528	0	8,528	718	0	718	718
9163511533	2,267.81	0.00	2,267.81	9,817	0	9,817	698	0	698	698
9163511908	4.15	0.00	4.15	9	0	9	3	0	3	3
9163511988	148.88	0.00	148.88	385	0	385	76	0	76	76
9163511913	67.71	0.00	67.71	159	0	159	44	0	44	44
9163511923	7.04	0.00	7.04	18	0	18	4	0	4	4
9163511930	7.28	0.00	7.28	21	0	21	6	0	6	6
9163511934	1.78	0.00	1.78	5	0	5	1	0	1	1
9163511935	13.44	0.00	13.44	49	0	49	8	0	8	8
9163511936	1.39	0.00	1.39	2	0	2	1	0	1	1
9163511922	1,692.92	0.00	1,692.92	5,852	0	5,852	549	0	549	549
9163511950	901.39	0.00	901.39	2,941	0	2,941	324	0	324	324
9163511956	703.61	0.00	703.61	2,252	0	2,252	246	0	246	246
9163511974	816.77	0.00	816.77	2,727	0	2,727	288	0	288	288
9163511980	987.92	0.00	987.92	3,329	0	3,329	339	0	339	339
9163511977	703.17	0.00	703.17	2,238	0	2,238	243	0	243	243
9163511977	747.16	0.00	747.16	2,551	0	2,551	264	0	264	264
9163511999	916.53	0.00	916.53	3,048	0	3,048	327	0	327	327
9163512023	888.22	0.00	888.22	3,129	0	3,129	303	0	303	303
9163512031	2,023.44	0.00	2,023.44	7,287	0	7,287	623	0	623	623
9163512071	648.47	0.00	648.47	2,489	0	2,489	194	0	194	194
9163512075	636.49	0.00	636.49	2,299	0	2,299	235	0	235	235
9163512084	1,927.90	0.00	1,927.90	5,793	0	5,793	461	0	461	461
9163512092	1,916.49	0.00	1,916.49	6,852	0	6,852	625	0	625	625
9163511134	1,323.92	0.00	1,323.92	4,599	0	4,599	483	0	483	483
9163511135	1,028.47	0.00	1,028.47	3,672	0	3,672	361	0	361	361
9163511136	1,688.53	0.00	1,688.53	6,027	0	6,027	549	0	549	549
9163511137	1,717.73	0.00	1,717.73	6,082	0	6,082	529	0	529	529
9163511138	1,881.95	0.00	1,881.95	3,840	0	3,840	349	0	349	349
9163511140	2,773.54	0.00	2,773.54	11,894	0	11,894	891	0	891	891
9163511142	2,778.84	0.00	2,778.84	11,483	0	11,483	842	0	842	842
9163511143	1,034.84	0.00	1,034.84	3,671	0	3,671	362	0	362	362
9163511149	1,806.34	0.00	1,806.34	6,766	0	6,766	548	0	548	548
9163512083	68.42	0.00	68.42	179	0	179	22	0	22	22
9163512083	1,715.63	0.00	1,715.63	5,879	0	5,879	627	0	627	627
9163512084	1,703.94	0.00	1,703.94	5,162	0	5,162	617	0	617	617
9163512092	23.51	0.00	23.51	89	0	89	8	0	8	8
9163511348	1,888.72	0.00	1,888.72	5,297	0	5,297	647	0	647	647
9163512083	1,743.76	0.00	1,743.76	6,259	0	6,259	606	0	606	606
9163512084	1,910.44	0.00	1,910.44	7,239	0	7,239	617	0	617	617
9163512084	1,799.13	0.00	1,799.13	6,345	0	6,345	621	0	621	621
9163512084	2,890.33	0.00	2,890.33	9,798	0	9,798	995	0	995	995
9163512084	2,625.18	0.00	2,625.18	8,954	0	8,954	921	0	921	921
9163512084	2,793.49	0.00	2,793.49	9,183	0	9,183	987	0	987	987
9163512084	1,583.81	0.00	1,583.81	5,057	0	5,057	504	0	504	504

21,000 calls

230,000 minutes
4,000 hours

NET PROFIT

TICKS

DEPARTMENT OF CORRECTIONS

EXHIBIT D

P. O. Box 942883
Sacramento, CA 94283-0001

March 26, 1990

Mr. Martin Pinon
Consultant, Joint Committee on Prison Construction
and Operations
1100 J Street, Suite 300
Sacramento, California 95814

Dear Mr. Pinon:

This is in response to your recent telephone inquiry for a breakdown of the inmate privilege groups.

As you may be aware, the four basic privilege groups are A, B, C, and D. For your information, enclosed is a copy of the California Code of Regulations, Title 15, Section 3044. This section addresses these four groups.

The following is a breakdown, by facility, of the inmate privilege groups at Folsom State Prison as of February 28, 1990 (latest monthly statistics available):

PRIVILEGE GROUP	F A C I L I T I E S NEW	MAIN	MINIMUM	TOTAL INMATES
A	2,284	2,955	723	5,962
B	0	0	0	0
C	37	76	0	113
D	304	0	0	304
Unclassified	180	0	0	180
*Other	<u>9</u>	<u>0</u>	<u>5</u>	<u>14</u>
TOTAL:	2,814	3,031	728	6,573

* Includes inmates who are enroute from other institutions to Folsom State Prison and others who are unassigned for various reasons.

INCOME FROM INMATE CALLS

STATE SHARE SHOULD DOUBLE FROM NEW CONTRACT ON STATE COMMISSION FROM PHONE VENDORS

Two additional questions surfaced in the inquiry into Folsom Prison policies on inmate phone usage:

- A) Is the state getting a fair share, or commission, from the income which phone companies receive from the tens of thousands of long distance calls that inmates make every year?
- B) What should that money be used for? Go into the General Fund? The Inmate Welfare Fund? Other?

In regard to the first question, indications are that the State of California will soon be receiving a much larger "take" from the phone companies as the state's share of income from inmate phone calls. Estimates vary from \$4.5 million to \$12-15 million.

NEW CONTRACT BEING NEGOTIATED

In response to a letter from the committee chairman, W. J. Anthony, Director of the Department of General Services, stated in a February 28, 1990, letter:

In the past, pay telephone commissions were not negotiated. They were set by the local phone company and approved by the Public Utilities Commission. The recent deregulation has allowed the Department of General Services to negotiate a 250% increase in pay phone commissions for all state agencies.

We have also set up a competitive bid for a master pay phone contract. Vendor responses came in, and the results were very good...The new commissions are almost twice the present negotiated rate; this is a 500% increase in state phone revenue from the time the market was deregulated.

In an earlier letter, Anthony wrote Thomas Dooley, Chief Deputy, Legislative Analyst's Office, that his department had negotiated a short term agreement with AT&T after deregulation granting the state a 12% portion of phone calls on state lines.

However, he wrote, after seeking bids from phone companies in November, 1989:

The average commission quoted in the bids jumped from 12% to 25-30%. This higher percentage is more than double the existing interim rate and almost five times the commission the state was receiving prior to the involvement of the Department of General Services.

The Department of Corrections alone generates over 85% of the pay phone traffic of all state agencies combined. According to General Services Director Anthony even though his staff is developing a "master contract,"

"...agencies are not under any obligation to use the master contract if they can obtain better results through a separate competitive bid, or if the master contract does not meet their needs."

USE OF PHONE COMMISSIONS

However, under the General Services RFP process seeking bids from phone companies, all the income the state receives would go into the General Fund. This is required by state law under Government Code Section 16301 although in the recent past, some prisons such as Folsom received payments directly from the phone companies. Folsom placed the funds in the Inmate Welfare Fund, a fund generally used for projects of benefit to inmates.

Currently, most prisons are served by two phone companies. Pac Bell handles calls from prisons in the local service area in 14 prisons and AT&T handles long distance in 19 of the 20 prisons. Pac Bell pays the state about 5% and AT&T 11-12%, though both rates will increase to 25-30% under the new contract expected to be signed this spring, according to General Services officials.

Local service in the other remaining prisons is handled by smaller companies such as General Telephone Northwest, ConTel, Citizens, Volcano Phone Company. In some instances, the state has to pay for the phones installed in the prison by smaller companies. Commissions can be low or non-existent, under rules set down by the Public Utilities Commission to help small phone companies survive in areas such as Del Norte County (Pelican Bay State Prison), Blythe (Chuckawalla State Prison) and Susanville (California Correctional Center). (See Exhibit A at end of this section for breakdown by prison.)

CURRENT INCOME CONFUSING

Figures on how much each prison, or how much systemwide the state receives in the form of commissions from the vendor phone companies, are confusing and hard to come by. The committee received five varying sets of figures from Folsom authorities, corrections department figures, AT&T and the Department of General Services.

General Services officials indicated some surprise that prisons were receiving any commissions from Pac Bell, and said the company had balked in recent years at turning over figures on how much they were making from inmate-generated calls since 1988, when the state signed its contract for a 12% commission with AT&T.

This may explain in part why figures from Corrections on how much it received in commissions from Pac Bell and AT&T each month during 1989, at each prison, differ from figures for each prison cited by General Services. (See Exhibits A and B)

In any case, General Services concludes in its figures that the prison system's inmate phone calls now bring in rough \$2.4 million a year in commissions. The department concludes the revised contract will bring in about double that, or \$4.6 million.

RENEGOTIATING TOOK TWO YEARS

General Services issued a request for proposals to phone vendors in May, 1988; the contract is expected to be awarded this spring, two years later.

An official of one telephone firm estimated that the Department of Corrections has been losing as much as \$27,000 a day under the current arrangements with phone companies and while the new contract has been under consideration by General Services.

However, Corrections could go to bid on its own if it so desired, General Services officials explain.

NEW CONTRACT PROVISIONS

Under the new contract, expected to be awarded within a month, Pac Bell and MCI were the winners. Though AT&T submitted bids in combinations with Pac Bell, these offered lower bids in combinations with Pac Bell, and lost out.

(The bid proposals also accepted offers from firms to administer the contracts for the state agencies, and Weisman Enterprises Inc. was low bidder, offering to do the job for 22% of the commission. This would effectively reduce the commission state agencies would receive to about 19.5%, though a state agency such as Corrections does not have to retain Weisman and can administer its own system.)

The bid was divided into four territories. The four territories were Pacific Bell north. Pacific Bell South, General Telephone, and ConTel.

In response to the bid, the best commission rates were from the following teams in each territory:

Territory 1 - Pac Bell with Lindemann Communications and MCI: 24.9911% commission offered.

Territory 2 - Pac Bell with Lindemann Communications and MCI: 24.6410% commission offered.

Territory 3 - GTE with MCI: 29.3870% commission offered.

Territory 4 - ConTel provided a rate of only 7.0239% which was deemed to be non competitive and the evaluation team is recommending to rebid this territory.

USES FOR THE COMMISSIONS

Questions remain on what uses will be made of the increased income. General Services holds that the funds should go into the General Fund, as required of miscellaneous income received by the state under Section 16301 of the Government Code.

The California Correctional Peace Officers Association (CCPOA) representing the prison system's corrections officers, is seeking all or a portion of the funds to be set aside each year to improve officer training, under a bill, AB 3434, by Assemblyman Isenberg.

Efforts are also underway to require that part or all of it be deposited in the Inmate Welfare Fund for benefit of the inmate population.

Under agreement by county sheriffs statewide in 1988, all

such funds received by counties from commissions on calls from county jail facilities are deposited into inmate welfare funds in each county. These vary from approximately \$5,300 a year in Butte County to \$2.4 million in Los Angeles County for the year 1988 (Exhibit C).

The new state contract would permit cities and counties to get in on the rates offered under the contract if they so desired. Most local governments negotiate their own rates and except for huge counties such as Los Angeles, are believed to receive lower commission rates than those proposed under the new state contract.

RECOMMENDATIONS:

- o Corrections should consider whether it would be better off financially and operationally going its separate way in negotiating contracts with telephone vendors serving its prisons--especially with the ever-increasing number of new prisons, 10,000 new "customer/inmates" each year, and the fact that its inmate population represents one of the largest phone-call generating entities in the state.
- o Corrections should negotiate separately or in concert with General Services in efforts to gain new revenue from independent phone companies now serving such major prisons as:

Pelican Bay at Crescent City - 4,000 inmates ultimately
Chuckawalla Prison at Blythe - 4,000 ultimately
California Correctional Center, Susanville - 5,000 plus
planned expansion
California Institution for Men (CIM) Chino, and California
Institution for Women (Frontera) - 9,000 inmates combined
Corcoran State Prison - 5,000 inmates

The possibility of separate contracts with long distance companies should be considered in these areas where the state now receives little or no commissions from inmate calls, from the independent vendors serving these prisons.

PAY TELEPHONE SUMMARY, DECEMBER, 1989

EXHIBIT A

Department of Corrections Figures

(Note differences with General Services figures, P. B-8)

<u>INSTITUTION</u>	<u># OF PHONES</u>	<u>UTILITY PROVIDER</u>	<u>LONG DISTANCE PROVIDER</u>	<u>COMMISSION PAID MONTHLY*</u>
Soledad	81	PAC BELL	AT&T	\$14,868.25
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Jamestown	30	PAC BELL	AT&T	2,571.09
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GTE TOTALS:	102			10,600.00
Pelican Bay	<u>109</u>	GTE/NW	TBD	<u>0.00</u>
GTE/NW TOTALS:	109			0.00
Blythe	46	CONTEL	AT&T	0.00
Cercoran	TBD	CONTEL	AT&T	0.00
CONTEL TOTAL:	46			0.00
Susanville	<u>36</u>	CITIZENS	AT&T	<u>0.00</u>
CITIZENS TOTALS:	<u>36</u>			<u>0.00</u>
TOTAL:	1,143			\$175,330.28

* Commission amounts from December 1989 payment.
 Data Obtained by telephone surveys of Institutions and Utilities.
 Prepared by: Mary Gilbert, Office of Telecommunications

Pay Telephone Summary
Department of Corrections and Department of the Youth Authority

December 1989

DEPARTMENT OF GENERAL SERVICES FIGURES

<u>Institution</u>	<u>Number of Telephones</u>	<u>Commissions 8/16-9/15/89</u>	<u>Projected Annual Commissions State RFP)</u>
<u>Department of Corrections</u>			
Avenal	85	\$ 23,701.71	\$ 568,841.04
Ione	79	\$ 19,783.12	\$ 474,794.88
NCWF - Stockton	20	\$ 4,169.63	\$ 100,071.12
Angels Camp	1	\$ 14.36	\$ 344.64
Deuel	16	\$ 6,699.66	\$ 160,791.84
Jamestown	33	\$ 10,355.94	\$ 248,542.56
Soledad	78	\$ 29,026.59	\$ 696,638.16
RJ Donovan	98	\$ 15,360.01	\$ 368,640.24
Vacaville	102	\$ 21,475.49	\$ 515,411.76
NORCO-Corona	100	\$ 16,946.95	\$ 406,726.80
Tehachapi	51	\$ 14,006.48	\$ 336,155.52
Folsom	76	\$ 12,594.71	\$ 302,273.04
Men's Colony - San Luis Obispo	31	\$ 11,605.65	\$ 278,535.60
San Quentin	27	\$ 2,402.32	\$ 57,655.68
Chino - Men & Women's Colony	20	\$ 2,141.00	\$ 51,384.00
Azusa	<u>2</u>	<u>\$ 97.31</u>	<u>\$ 2,335.44</u>
SUB TOTAL	819	\$190,380.93	\$4,569,142.32
<u>Department of the Youth Authority</u>			
Parole Administration	4	\$ 3.13	\$ 75.12
Statewide Admin. Services	8	\$ 40.00	\$ 960.00
Southern Recep. Ctr - Norwalk	10	\$ 232.61	\$ 5,582.64
Nellis School - Whittier	16	\$ 41.54	\$ 996.96
Ventura School - Camarillo	<u>27</u>	<u>\$ 1,082.04</u>	<u>\$ 25,968.96</u>
SUB TOTAL	65	\$ 1,399.32	\$ 33,583.68
GRAND TOTAL	<u>884</u>	<u>\$191,780.25</u>	<u>\$4,602,726.00</u> *

* These are believed to be only commissions paid by AT and T and not including Pac Bell commissions

TELEPHONE	0+ REVENUE	1+ REVENUE	TOTAL REVENUE	0+ MINUTES	1+ MINUTES	TOTAL MINUTES	0+ MESSAGES	1+ MESSAGES	TOTAL MESSAGES
9163510576	1,547.92	0.00	1,547.92	5,877	0	5,877	554	0	554
9163510577	1,327.97	0.00	1,327.97	5,203	0	5,203	475	0	475
9163510578	1,495.68	0.00	1,495.68	6,742	0	6,742	574	0	574
9163510579	1,339.49	0.00	1,339.49	5,402	0	5,402	475	0	475
9163511342	2,524.24	0.00	2,524.24	10,855	0	10,855	731	0	731
9163511435	2,318.53	0.00	2,318.53	8,558	0	8,558	718	0	718
9163511533	2,267.01	0.00	2,267.01	9,817	0	9,817	693	0	693
9163519908	4.15	0.00	4.15	9	0	9	3	0	3
9163519985	148.80	0.00	148.80	385	0	385	76	0	76
9163519913	67.71	0.00	67.71	159	0	159	44	0	44
9163519923	7.84	0.00	7.84	18	0	18	4	0	4
9163519930	7.28	0.00	7.28	21	0	21	6	0	6
9163519934	1.78	0.00	1.78	5	0	5	1	0	1
9163519935	13.44	0.00	13.44	49	0	49	0	0	0
9163519936	1.39	0.00	1.39	2	0	2	1	0	1
9169850122	1,492.92	0.00	1,492.92	5,832	0	5,832	549	0	549
9169850150	901.39	0.00	901.39	2,941	0	2,941	324	0	324
9169850156	703.61	0.00	703.61	2,252	0	2,252	298	0	298
9169850174	826.77	0.00	826.77	2,727	0	2,727	288	0	288
9169850180	987.92	0.00	987.92	3,329	0	3,329	339	0	339
9169850181	703.17	0.00	703.17	2,238	0	2,238	263	0	263
9169850197	747.16	0.00	747.16	2,551	0	2,551	264	0	264
9169850199	916.53	0.00	916.53	3,048	0	3,048	327	0	327
9169850243	890.22	0.00	890.22	3,120	0	3,120	303	0	303
9169850779	2,023.44	0.00	2,023.44	7,287	0	7,287	623	0	623
9169850811	640.47	0.00	640.47	2,489	0	2,489	194	0	194
9169850974	636.49	0.00	636.49	2,299	0	2,299	235	0	235
9169850989	1,927.90	0.00	1,927.90	5,793	0	5,793	443	0	443
9169850992	1,916.49	0.00	1,916.49	6,852	0	6,852	625	0	625
9169851134	1,323.92	0.00	1,323.92	4,599	0	4,599	483	0	483
9169851135	1,828.47	0.00	1,828.47	3,672	0	3,672	341	0	341
9169851136	1,688.53	0.00	1,688.53	6,827	0	6,827	509	0	509
9169851137	1,717.73	0.00	1,717.73	6,082	0	6,082	529	0	529
9169851138	1,881.95	0.00	1,881.95	3,840	0	3,840	349	0	349
9169851140	2,773.54	0.00	2,773.54	11,896	0	11,896	891	0	891
9169851142	2,778.84	0.00	2,778.84	11,483	0	11,483	842	0	842
9169851143	1,804.84	0.00	1,804.84	3,671	0	3,671	342	0	342
9169851149	1,804.34	0.00	1,804.34	6,766	0	6,766	548	0	548
9169852083	68.42	0.00	68.42	179	0	179	22	0	22
9169852751	1,715.63	0.00	1,715.63	5,879	0	5,879	627	0	627
9169852838	1,783.94	0.00	1,783.94	5,162	0	5,162	617	0	617
9169852992	23.51	0.00	23.51	89	0	89	8	0	8
9169853738	1,888.72	0.00	1,888.72	5,297	0	5,297	647	0	647
9169853758	1,743.74	0.00	1,743.74	6,259	0	6,259	606	0	606
9169853740	1,910.64	0.00	1,910.64	7,239	0	7,239	617	0	617
9169853747	1,799.13	0.00	1,799.13	6,345	0	6,345	621	0	621
9169853753	2,890.33	0.00	2,890.33	9,798	0	9,798	995	0	995
9169853760	2,655.18	0.00	2,655.18	8,954	0	8,954	921	0	921
9169853768	2,793.49	0.00	2,793.49	9,183	0	9,183	987	0	987
9169853778	1,583.81	0.00	1,583.81	5,057	0	5,057	506	0	506

230,000 minutes
4,000 hours

21,000 calls

AT&T PROPRIETARY |

INMATE PHONE CALLS, FOLSOM PRISON
 ONE MONTH, AT & T FIGURES

B-9

Pay Telephone Summary
 Commissions Received By Counties from County Jails
 November, 1988

EXHIBIT C

February 14, 1989

Table of Commissions received from inmate telephones in accordance with Penal Code Section 4325.¹

County	Commissions Received for November 1988	Annualized Commission ²
Alameda	25,710.61	308,527.32
Alpine	-0- (no jails)	
Butte	1,995.44	23,945.28
Calaveras	445.33	5,343.96
Colusa	-0-	-0-
Contra Costa	17,312.69	207,752.28
Del Norte	-0-	-0-
El Dorado	1,727.39	20,728.68
Fresno	17,579.63	210,955.56
Glenn	Not available	---
Humboldt	1,351.17	16,214.04
Imperial	2,913.29	34,959.48
Inyo	-0-	-0-
Kern	25,987.80	311,853.60
Kings	4,580.38	54,964.56
Lassen	-0-	-0-
Los Angeles	195,254.48	2,343,053.76
Lake	863.69	10,364.28
Madera	1,887.17	22,646.04
Marin	2,477.89	29,734.68
Mariposa	-0-	-0-
Mendocino	2,261.65	27,139.80
Merced	3,635.38	43,624.56
Modoc	-0-	-0-
Mono	-0-	-0-
Monterey	6,212.84	74,554.08
Napa	1,583.54	19,002.48
Nevada	515.11	6,181.32
Orange	41,701.94	500,142.28
Placer	1,857.54	22,290.48
Plumas	112.17	1,346.04
Riverside	9,000.08	108,000.96
Sacramento	7,250.43	87,005.16
San Benito	721.00	8,652.00
San Bernardino	25,561.00	306,732.00
San Diego	43,729.39	524,759.76
San Francisco	17,702.76	212,433.12
San Joaquin	7,066.31	84,795.72
San Luis Obispo	2,353.44	28,241.28
San Mateo	81,839.11	982,069.32
Santa Barbara	7,600.00	91,200.00
Santa Clara	34,776.22	417,314.64
Santa Cruz	5,265.47	63,185.64
Shasta	Not Available	---
Sierra	-0-	-0-

County	Commissions Received for November 1988	Annualized Commission ²
Siskiyou	723.83	8,685.96
Solano	4,347.49	52,169.88
Sonoma	9,010.74	108,128.88
Stanislaus	2,619.82	31,437.84
Sutter	1,646.57	19,758.94
Tehama	313.84	3,766.08
Trinity	-0-	-0-
Tulare	8,106.21	97,274.52
Tuolumne	721.93	8,663.16
Ventura	8,965.43	107,585.16
Yolo	2,536.03	30,432.36
Yuba	1,019.52	12,234.24
Total	\$640,843.00	\$7,690,120.08

1. Commissions listed are totals for each county. They include all facilities and agencies (e.g. probation, sheriff, Department of Corrections) receiving commissions.
2. Commissions for November 1988 multiplied by 12.

ELECTRICITY, WATER USAGE

INSTANCES CAN BE FOUND BUT FOLSOM STATISTICS SHOW REDUCED RATES OF UTILITY USAGE, SAVINGS

A tour through all the buildings at Folsom Prison would show what appear to be lights left on in corridors or ceilings that could be shut off, or dripping showers and some showers seemingly running all the time.

However, comparisons of Folsom water and electric usage in figures supplied by prison officials, indicate sizable reductions over recent years. They also point to a long list of efforts made and still being made to reduce usage.

Folsom visits by committee staff showed that hot water was being wasted in Building One, due to a design flaw in the plumbing system. The hot water had to be kept running on all tiers so that the lower tiers would get hot water.

This is the sort of thing that is very hard to get repaired in a prison because funds for maintenance are always the first items cut in budget crunches. Presumably this Building One problem will be fixed because it has come to the attention of the Legislature.

In some cases, the savings in utilities costs take several years before the cost of repairs is recovered. Running hot water taps constantly to assure a supply of hot water has been a common practice in some units. Small unit water heaters have been used to relieve this problem.

NO LIGHTS-OUT POLICY

There is no "lights out" policy for most prisoners in Old Folsom. How much would be saved by enforcing an 11 P.M. curfew is uncertain. Few working inmates stay up past that time anyway. Idle and unassigned inmates might be restricted in their light usage but good workers should have a little bit of freedom to regulate their lives. Savings might be minor in any event.

In places throughout the prison, lights were on in buildings although there seemed to be adequate outside light available. When questioned, prison staff felt that the best visibility is important for security reasons. Committee staff noted that very few energy efficient lights were used, most being ordinary incandescent lights. Energy-efficient lights coupled with photo-electric automatic controls would save money. This is an area in which security and safety concerns must predominate.

PER-INMATE USAGE LOW

Utility use is more difficult to compare across institutions. This is due to the fact that each institution has a different mix of energy sources (such as gas and electricity) and physical configurations. In addition, each institution receives services from different utility companies at different rates. Keeping these limitations in mind, a comparison of utility costs at Folsom to those at other institutions showed Folsom's total 1988-89 utility cost was \$2.7 million, or \$402 per inmate. The average annual utility costs for all the institutions ranged from \$316 to \$1,524 per year. Thus, Folsom's annual per inmate cost was in the lower one fourth for all prisons.

In spite of a significant increase in population between 1987/88 and 1988/89, Folsom has used 271,000 fewer kilowatt hours and 28.1 million fewer gallons of water, prison figures show.

Because of the vastly differing configuration of a prison compared to a community in the "free" world, and the utility uses of an inmate in a cell with the citizen in a home, there would seem to be no valid way to compare prison/inmate usage with that of a free citizen. Some safety uses are similar, however (See Exhibit A at end of this section).

ELECTRICITY SAVINGS

In 1987/88 FY electric consumption was 27,546,368 kilowatt hours (KWH); 4,270 KWH per inmate. For 1988/89 FY consumption was 27,489,158 kilowatt hours; 4,070 KWH per inmate, a total decrease of 57,210 KWH per year or 200 KWH per inmate per year, officials state.

Folsom officials state that major energy conservation resulted from an audit conducted in 1988 with Folsom staff along with the State Office of Energy Assessments and SMUD representatives. They cite these projects:

1. Lighting renovation to include removal of 3,100 incandescent fixtures with energy saving units- expected to reduce energy consumption by more than two million kilowatt hours a year and a savings of \$306,000 annually (cost of the project will be \$367,000).
2. Insulating 26,500 square feet of attic in Inmate Housing Units 2 and 3 and 50,000 square feet of such in 46 dwelling units, at a projected savings of more than \$40,000 yearly (cost of the project is \$50,000).
3. Installing automatic shut-off timers on heating, air conditioning and ventilation units, on exterior lighting and in office buildings, industrial buildings and other structures.
4. Replacing bulbs with sodium and other more efficient bulbs.

WATER - COMPARISON

In 1987/88 FY water consumption at Folsom Prison was 544,675,000 gallons; 84,432 gallons per inmate. In 1988/89 FY consumption was 516,549,000 gallons; 76,480 gallons per inmate, a total reduction of 28,126,000 gallons or 7950 gallons per inmate, according to data supplied by Folsom officials.

WATER CONSERVATION EFFORTS

Folsom officials say conservation efforts include

education and awareness campaigns, installation of flow restricters in water lines, reducing of showering time periods, added use of timers, shut-off valves and fixing water leaks.

Saving of 52 million gallons of water is predicted by Folsom from conversion of water cooling units with air cooled electrical units. Officials say a cooling tower installed in the kitchen area of Old Folsom should save roughly 8 million gallons a year.

Officials state that the constant running water in Building One, to provide all tiers with hot shower water, has been solved by installation of a new recirculating pump. (See Exhibit A, end of this section.)

CONCLUSIONS AND RECOMMENDATIONS

Review of the situation would seem to indicate that Folsom Prison is generally taking adequate steps to achieve water, electric and gas savings and stressing conservation efforts.

Folsom's own inspections, however, show a related problem with electrical use, that of questionable use of electricity and appliances in an unsafe manner in some cells, based on a January 1, 1989, survey in Program Unit 1. For safety reasons alone, these problems should be looked into.

Memorandum

Date

September 14, 1989

EXHIBIT A

ALL UNIT I STAFF AND INMATES

From : Program Administrator, Program Unit #I

Subject: UNIT #I CELLS

In January, 1989, the Fire Department conducted an inspection of every cell in Housing Unit #I. The majority of the cells were not in compliance with the Fire Department's safety standards due to the following deficiencies:

- 1) Unauthorized or exposed electrical wiring. ✓
- 2) Unauthorized electrical outlets. ✓
- 3) Illegal use/possession of inmate-manufactured electrical devices. ✓
- 4) Excessive amount of property.
- 5) Lights covered with paper or cloth. ✓
- 6) Excessive amount of cardboard boxes.
- 7) Unauthorized furniture and/or shelving.
- 8) Unauthorized extension cords. ✓
- 9) Excessive amount of pictures and paper decorations on the walls.
- 10) Bars covered with paper and plastic.
- 11) Excessive accumulation of magazines, books, and newspapers.

The Maintenance Department is in the process of correcting the electrical problems outlined in the Fire Chief's report. The other fire hazards must also be corrected. The following guidelines shall be adhered to by inmates and enforced by staff:

- 1) Each cell occupant may only possess up to a combined volume of six (6) cubic feet of approved items of personal property. NOTE: Included in this 6 cubic feet are magazines, newspapers, toilet articles, canteen items, etc. Personal property items also include State-issued property.

- 9) In order for an inmate to conceal the contents of his locker, he may cover the locker opening with a **plain cloth**. The covering shall not have any pictures and/or graffiti written on it.

In order to minimize the impact on unit programming, inmates will be given until ~~October 5, 1989~~ 1989 to bring their cells into compliance with these housing unit requirements. At that time, staff will conduct an inspection/search of every cell in the unit to ensure compliance.

These housing unit standards will remain in effect until further notice.

Program Housing Unit #I

GRS:gd

cc: Warden Borg
CDW White
Associate Warden-Classification
Associate Warden-Business Services
Associate Warden-Operations
Fire Chief

EXPENSE

MATERIALS, EQUIPMENT DESTRUCTION

OFFICERS CITE LISTS OF WASTED, JUNKED ITEMS: PRISON ANNOUNCES NEW WASTE CONTROL PROGRAM

Eight staff officers signed statements saying they had personally witnessed destruction or wastage of a wide range of equipment items and materials over the past 2-3 years at Folsom.

These ranged from main frame computers, tape and disc drives, hundreds of metal trays, pots and pans; used cement mixers, car parts, 40 porcelain toilets broken up when replaced by metal toilets, 40-60 stainless steel food carts, wheelbarrows, wiring and fluorescent lights, end pieces of fencing, links of metal pipe and stock, 5-6 used swamp coolers, 2,000 feet of drywall, pallets of nails, bolts and screws.

They claimed much of this could have been saved or repaired and sold rather than being broken up.

Totals of such claims if accurate and if the items were salvageable, could reach \$100,000 or more.

Folsom officials generally downplayed likelihood of such waste, pointed to a Legislative Analyst 1990 report generally giving the prison a satisfactory rating. They listed what they said happened to several of the items cited by officers.

However, during the committee investigation, the prison did announce a six phased new program aimed at preventing or

cutting down possible waste of materials in the future.

Legislative Analyst, in its analysis of the prison's property control system, said after review of the audit reports for the past two quarters that "we found that the procedures were followed more than 90 percent of the time."

Property control systems at Folsom consist of two types, the Analyst concluded: central inventory control and security control.

The central inventory system controls all equipment and materials through a central property control office. Any property that is removed from the office is signed out to a department at the prison, a location, and an individual. Prison officials advise that the system has been in operation for about 18 months. The security control system operates in areas where inmates have access to tools, equipment, or materials. The system is based on written operating procedures, including quarterly internal audits by the prison's investigative branch. "We reviewed the audit reports for the past two quarters and found that the procedures were followed more than 90 percent of the time," Legislative Analyst's staff concluded.

The Analyst's report also pointed out:

Much of the equipment used in the vocational education programs is donated by private individuals and businesses and is not subject to the same control systems discussed above. Accordingly, this equipment is less stringently controlled. The department advises that the equipment is discarded when it is no longer useful. For instance, computers and automobiles have been donated to the prison for vocational electronics and automobile repair programs. After the computers were taken apart and put back together a number of times, the department found them to be too worn for effective use and they were discarded. In some cases, the department is limited by the donor as to what can be done with the equipment. The donor of some automobiles, for example, required the CDC to guarantee that the vehicles would not be used on California roads. Accordingly, when the vehicles are no longer useful, they are cut into pieces and discarded.

A sampling of statements and declarations signed by officers included ones such as:

In approximately February or March, 1989, I was making alarm tests in the lower yard at Old Folsom when I saw what I estimated to be the

junked parts of 1 to 3 mainframe computers in a junk bin about 24 feet long and another pile alongside...

These mainframe computers, brand names including Data and Hewlett Packard consist of 15 cabinets... They had been torn up or damaged but could have been salvaged or sold to salvage firms, liquidation companies or to garage computer buffs that would have given their eye teeth to be able to bid on such items...A new mainframe computer can cost from \$100,000 to \$250,000...I estimate the parts alone could have been sold for at least \$10,000 to \$75,000.

Three other officers testified to seeing witnessing the destruction of these units.

Another officer wrote:

Mr. _____ told me that the oven racks and other culinary equipment that was taken to maintenance for repair was hauled off as scrap by C & P Metals. He stated that the approximate value of the oven racks alone were worth approximately \$40,000.

Another wrote in his statement that a machine worth \$10,000 and purchased to invert garbage dumpsters to permit washing, has never been used because of the type of dumpsters being used "are not the type to fit the cleaning machine."

Another stated that "the institutional equipment that was never hooked up when New Folsom was completed is vast."

Disagreement exists over misuse of wool blankets. Folsom officials state that only blankets which are worn or torn are used for pads for weight equipment or other uses. However, one officer stated in his written document:

While at my post at Old Folsom, I have observed the misuse of state issued wool blankets. These are being used by inmates to pad weight benches, as table covers, seat covers, torn up for rags, etc. The cost of each blanket is \$16.00. On 8/22/89 I counted a total of 71 blankets in the one building exercise yard. On 7/17/89 I counted a total of 63 blankets. There are other yards that are sure to have more blankets.

Tours of Folsom yards by prison committee staff members showed both undamaged blankets and damaged ones in uses such as listed above. This was in January, 1990. (See Exhibit B.)

Signed statements and declarations by several officers listed the items below with value estimates, as ones they had seen destroyed or thrown out (See Exhibit A at end of this section).

- Metal trays, cafeteria type, 300-400, worth \$2 to \$10 each, 1987-89
- Pots and pans for cooking large quantities, 100-150, various sizes, \$50 to \$100 each, 1987-89
- Toilets and sinks, porcelain, 40-50, \$10 to \$30 each (used), 40-50 stainless, \$50 to \$100 each (used), 1986-89
- Wheelbarrows, broken but repairable, 10-15 \$10 to \$20 each.
- Computers, tape drives, disc drives, consoles, 4-7, 1987-89
- Industrial sized cement mixers, 2, 4 to 6 yard capacity, 1988
- Vices, grinders, tools of all types, including new tools and boxes, 1986-89, value estimated at \$10,000.
- Officer furniture, desks, chairs and tables, broken but could have been rebuilt and refinished, as part of our vocational work. At least 20 pieces, \$20 to \$100 each, 1986-89
- Swamp coolers, rusted and dented but could have been put out to the public "as is" 6-8, \$20 each, 1987-89
- Dry wall plaster board, left out in the rain, \$2,000, 1988
- Five pallets of new nails of different sizes, from tacks to spikes, 1986-89
- Five pallets of new bolts, washers, screws and nuts, 1986-89

and nuts, 1986-89

- Partially used chainlink fence fabric, could have been rewoven and reused. No estimate of value.

Folsom, in its March 12, 1990, written reply, said:

-- that four disc drive computers, donated to the prison originally, were used for 19 months, then broken up when no longer repairable, in accord with State Administrative Manual procedures.

-- that the mixers, World War II type, were declared to be scrap in 1985 by state inspectors, that one was disposed of in a dumpster but that the second is still in use.

-- that when Folsom converted from metal to plastic trays, 4,000 metal trays were given to other institutions, that "some which were broken, bent or otherwise unusable" were discarded, that only one aluminum steam pot was discarded.

-- that most donated automobiles are limited by terms of the donor not to be used on the road or sold for scrap.

Folsom officials state that they have taken or plan to take numerous steps to prevent possible waste of the types pointed out by staff members and cited in this report. These include.

- a. Establishing a 24-hour "hot-line" which inmates or staff can use if they want to report instances of sewage spills, improper toxic waste disposal, excess utilities usage, materials waste, etc. "to open communication lines with staff and inmates" on such issues.
- b. Setting up a Waste Management Committee to develop an ongoing waste management and abatement program, and to meet with hotline representatives.

It is to concentrate on abuse or misuse of state vehicles, excess utility use, recycling of materials, food waste, abuse of equipment, sewage spills toxic waste storage and disposal.

- c. A program for inspecting all metal, wood or miscellaneous debris bins for salvageable property before the bins leave the Folsom grounds, using both inmates and staff.

- d. Tightening up on inventory and property controls to keep track of where all property, tools, equipment and construction materials are at any one time, and designating department heads as the ones responsible for "custody, care and safekeeping" of such items.
- e. Setting up a "tool control committee" with mandatory monthly meetings to make sure that tools do not get lost or stolen. Folsom officials reported a 92.9% of compliance rating for October, 1989.

Reflective of just what can be salvaged at a prison were the results of a study commissioned in 1989 by the department at California Correctional Center, Susanville. Its conclusions included (See Exhibit C).

- that 20,000 pieces of tableware (knives, etc.) are thrown out a year by inmates costing \$5,000 to replace.
- that \$179,500 in discarded clothing could be saved.
- that 170 tons of cardboard could be salvaged saving \$10,000 in disposal costs and sale.
- that \$6,200 worth of aluminum cans, \$900 in plastics, could be salvaged a year.
- that \$176,000 in tossed-out food could be sold through a heat process, turning it into base for dog, cat, cattle and other animal feeds.

The study concluded that a \$446,000 recycling processing effort could pay for itself in 4-8 years.

CONCLUSIONS, RECOMMENDATIONS

Although the above list of steps would seem major steps toward cutting down loss or disappearance of tools, equipment, recyclable materials and diminution of waste and better environmental controls, it is recommended that:

- o The Auditor General or the Legislative Analyst be assigned to make a follow-up audit later in 1990 to determine whether the Folsom program is working.

- o An awards system be considered for inmates and staff who propose methods of making major equipment or materials savings if they are adopted.
- o The department explore the conclusions of the Susanville study, by S.A. Hart and E.P. Speck, for possible implementation eventually at all prisons after a pilot study at one prison such as Susanville or Folsom.

DECLARATION

DATE AUGUST 27, 1989

I, _____, DECLARE THAT
THE FOLLOWING FACTS AND INFORMATION ARE TRUE AND CORRECT TO THE
BEST OF MY KNOWLEDGE, OR THAT I BELIEVE THEM TO BE TRUE;

SOMETIME BETWEEN MAY AND JULY OF 1988, DURING A ONE DAY PERIOD ONLY, I WAS ASSIGNED TO A LOWER YARD OFFICERS POSITION ON SECOND WATCH. I WAS ORDERED BY SGT. DOBYNES TO SUPERVISE AN INMATE WORK CREW THAT WAS ASSIGNED TO DISMANTLE AND DESTROY VARIOUS STATE ITEMS SUCH AS COMPUTER UNITS. THE INMATES USED A CUTTING TORCH AND VARIOUS OTHER TOOLS TO DISMANTLE THESE UNITS. AT THE TIME I WAS SUPERVISING THE WORK CREW, I OBSERVED AT LEAST THREE (3) OR FOUR (4) COMPUTER UNITS BEING DESTROYED PLUS VARIOUS OTHER ITEMS, MOSTLY METAL SHELVING STRUCTURES AND CABINETS. I HAVE NO KNOWLEDGE OF THE WORKING CONDITION OF THE COMPUTERS BEFORE BEING DESTROYED OR THE DISPOSITION OF THEM AFTER BEING DESTROYED.

THIS STATEMENT IS WRITTEN STRICTLY FROM WHAT I CAN REMEMBER AT THIS TIME, I CANNOT STATE EXACT FACTS OR FIGURES AND I HAVE NO WAY TO SUBSTANTIATE MY CLAIMS.

CORRECTIONAL OFFICER
THIRD WATCH

(Use additional sheets
if needed)

SIGNED _____
D-8

Mainframe Computers

DECLARATION

August 26, 1989

DATE _____

I, _____ Corrections Officer, Old Folsom, DECLARE THAT

THE FOLLOWING FACTS AND INFORMATION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, OR THAT I BELIEVE THEM TO BE TRUE;

In approximately February or March, 1989, I was making alarm tests in the lower yard at Old Folsom when I saw what I estimated to be the junked parts of 1 to 3 mainframe computers in a junk bin about 24 feet long, and another pile alongside the bin.

These mainframe computers, brand names including Data and Hewlett Packard, consist of 15 cabinets. Each cabinet contains circuit boards of 8 to 10 layers each, also tape drives, key boards and printers.

They had been torn up or damaged but could have been salvaged or sold to salvage firms, liquidation companies or to garage computer buffs who would have given their eye teeth to be able to bid on such items. I myself would have bid on them if I had had the chance.

A new mainframe computer can cost from \$100,000 to \$250,000 depending on the number of cabinets, parts, etc. So the total value of these items could be \$100,000 to \$750,000.

I estimate the parts alone could have been sold for at least \$10,000 to \$75,000 or more.

I have four years experience in computers and was in the post of interact graphic operator senior, at Hughes Aircraft in Fullerton.

(Use additional sheets if needed)

SIGNED _____

D-9

C/O _____ 8-26-89

Discarded Prison Property

DECLARATION

DATE 9-16-89

I, NAME WITHHELD, DECLARE THAT

THE FOLLOWING FACTS AND INFORMATION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, OR THAT I BELIEVE THEM TO BE TRUE;

BELOW IS A LIST OF ITEMS AND EST. OF VALUES I HAVE SEEN THROWN AWAY IN THE LOWER YARD METAL BINS IN THE PAST 3 YEARS.

15-18 COMPUTERS, CARD READERS, TAPE DRIVES, DISC DRIVES AND CONSOLES. - \$300,000 - 400,000

300-400 METAL DINNER TRAYS \$4000.-5000.

100'S OF INDUST. POTS AND PANS \$1,000.

20-30 STAINLESS STEEL FOOD CARTS \$6000.

DRYWALL LEFT OUT IN RAIN UNCOVERED \$3000.

3-4 CEMENT MIXER \$1000.

40-50 STAINLESS STEEL SINKS \$20,000.

PLUMBING AND ELECTRICAL EQUIPMENT \$30,000 - \$40,000.

MANY CARS, CAR PARTS AND ACCESSORIES \$10,000 - \$20,000.

(Use additional sheets if needed)

SIGNED _____

D-10

Kitchen Utensils

DECLARATION

DATE August 26-89

I, _____, DECLARE THAT
THE FOLLOWING FACTS AND INFORMATION ARE TRUE AND CORRECT TO THE
BEST OF MY KNOWLEDGE, OR THAT I BELIEVE THEM TO BE TRUE;

1. Mr Sarenowski told me that the CORN RACKS AND
OTHER CULINARY EQUIPMENT THAT WAS TAKEN TO
MAINTENANCE FOR REPAIR ~~WAS~~ ^{WERE} HOOKED OFF AS
SCRAP BY C & C METALS. HE STATED THAT THE
APPROX VALUE OF THE CORN RACKS ALONE WERE
WORTH APPROX \$40,000. THE LIST OF MATERIALS
IS BEING COMPILED.
2. THE INSTITUTIONAL EQUIPMENT THAT WAS NEVER HOOKED
UP WHEN NEW FOLSON WAS COMPLETED IS WAST.

(Use additional sheets
if needed)

SIGNED _____

D-11

Discarded Prison Property

AFFIDAVID

I swear that I have knowledge of or witnessed personally the actions or misuse of property listed below:

The following listed PROPERTY was BROKEN, CUT, CRUSHED, OR SIMPLY MADE SMALL ENOUGH TO FIT INTO A LARGE STEEL + WOOD BIN, THE TYPE OF BINS FOUND AT CONSTRUCTION SITES TO CARRY OFF TRASH + UNUSEABLE BUILDING MATERIALS WHILE THE CONSTRUCTION IS GOING ON.

THE LIST:

	AMOUNT:	APPROX VALUE, SALVAGE;	DATE:
<u>COMPUTERS</u>	3-5 MAIN FRAMES,	SEVERAL THOUSAND	FROM 87-88
<u>TAPE DRIVES</u>	6-8	" "	" "
<u>DISC</u>	5-7	" "	" "
<u>CONSOLES</u>	4-6	" "	" "
<u>CEMENT MIXERS</u>	2	4-6,000 EA	1988
(INDUSTRIAL SIZE 4-6 YARD)			
<u>METAL TRAYS</u>	CAST-IRON TYPE - 300-400,	2-10 ⁰⁰ /EA	1987-88 89
<u>POTS + PANS</u>	FOR COOKING LARGE QUANTITIES; 100-150 VARIOUS SIZES	50-100 ⁰⁰ /EA	1987-88 89
<u>CARS + PARTS</u> , ESPECIALLY BODY + FENDERS:			
	10-15 ALL TYPES	300-1000 ⁰⁰ /CAR	1986-89
<u>TOILETS + SINKS</u> , PORCELAIN	40-50	10-30 ⁰⁰ /EA	1986-89
" " , STAINLESS	" "	50-100 ⁰⁰ /EA	1986-89
<u>PLUMBING EQUIPMENT</u> , VALVES, CHROME SERVICE ETC.:			
	HARD TO DETERMINE AMOUNT,	2 ⁰⁰ -10 ⁰⁰ /EA	1986-89
<u>PARTIALLY USED CHAIN LINK FENCE</u> FABRIC:			
	THIS FABRIC COULD BE REWOVEN TOGETHER TO FORM - A FULL ROLL AGAIN.		
	HARD TO DETERMINE AMOUNT,	10-50 ⁰⁰ /ROLL	1986-1989
<u>WHEEL BARROWS</u> - BROKEN BUT REPAIRABLE			
	10-15, - -	10-20 ⁰⁰ /EA	1986-1989
<u>LIGHTING EQUIPMENT</u> OF ALL TYPES + DESCRIPTIONS, BROKEN, OLD OR DAMAGED BUT REPAIRABLE			
	HARD TO DETERMINE AMOUNT,	10-30 ⁰⁰ /FIXTURE	1986-89

Discarded Prison Property

AFFIDAVID

I swear that I have knowledge of or witnessed personally the actions or misuse of property listed below:

- Electrical Equipment all types & descriptions; ^{1000, 1986-89}
could be put out to bid or given away - \$5-19
- LINKS, GRINDERS, TOOLS - NEW TOOLS & BOXES ¹⁹⁸⁶⁻⁸⁹
THROWN AWAY TO GET MORE MONEY NEXT YEAR. \$10,000
- LARGE LINKS of PIPE, METAL STOCK; MANY PEACES ONLY -
LITTLE AMOUNT USED THEN THROWN AWAY. ^{1000-10,000 - 1986-89}
- OFFICE FURNITURE, DESKS, CHAIRS, END TABLES;
SOME BROKEN BUT COULD HAVE BEEN REBUILT OR REFINISHED.
GIVE BY PART OF OUR VOCATIONAL SCHOOL WORK & PUT OUT FOR
BID. HOLD TO DETERMINE COST. AT LEAST 20 PEACES
WENT INTO THE TRASH. \$20.00 - 100.00/ea. ¹⁹⁸⁶⁻⁸⁹
- SWAMP COOLERS; RUSTED & DENTED. BUT COULD HAVE
BEEN PUT OUT TO THE PUBLIC 'AS IS' FOR WHAT EVER
AMOUNT COULD HAVE BEEN GOTTEN. 6-8, \$20.00/ea. ¹⁹⁸⁷⁻⁸⁹
- DRY WALL PLASTER BOARD. THIS WAS LEFT OUT IN THE RAIN
& LOST. \$2,000 ¹⁹⁸⁸
- 5 PALLETS of NEW NAILS all different sizes,
FROM THE TACKS TO SPIKES. 10 - 20,000 ¹⁹⁸⁶⁻¹⁹⁸⁷
- 5 PALLETS of NEW BOLTS, WASHERS, SCREWS & NUTS
10 - 20,000 ¹⁹⁸⁶⁻¹⁹⁸⁷

* NOTE: all of the above CONTINUES ON A DAILY BASIS TODAY -
WHY SHOULD WE THE TAX PAYER CONTINUE TO SUPPORT THIS KIND OF WASTE!
WE COULD GET BACK AT LEAST SOME
THING AT PUBLIC SALES.

DECLARATION

DATE August 26, 1989

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BEST OF MY KNOWLEDGE, OR THAT I BELIEVE THEM TO BE TRUE;

At the C-Facility culinary dock, there is a trash dumpster washer and clean out area. This area is approximately 15 feet by 15 feet with a concrete floor and walls. Located in the middle of this area is a machine that lifts and turns dumpsters upside down so they may be cleaned. Although available for two years this machine has never been used because the type of dumpsters being used are not the type to fit the cleaning machine. The value of said machine has been placed at \$10,000.

While at my post, 19 tower, at Old Folsom, I have observed the misuse of state issued wool blankets. These blankets are being used by inmates to pad weight benches, as table covers, seat covers, torn up for rags, etc. The cost of each blanket is \$16. On 8/22/89 I counted a total of 71 blankets in the one building exercise yard. On 7/17/89 I counted a total of 63 blankets. There are other yards which are sure to have more blankets.

I also see the waste of food and water as well as the misuse of state issued inmate clothing on a regular basis.

(Use additional sheets
if needed)

SIGNED _____

D-14

POTENTIALS FOR RECYCLING AND IMPROVED SOLID WASTE MANAGEMENT
at the
CALIFORNIA CORRECTIONAL CENTER, SUSANVILLE

The above-titled report was written for the Department of Corrections (Contract 86-D) in April 1989 by Samuel A. Hart C.E. and Eugene P. Speck P.E.

The CCC at Susanville wants to construct a Recycling Center to provide work for inmates, and to be a progressive environmental activity. Two additional items were also important: the cost of waste disposal at the Lassen County sanitary landfill rose drastically in early 1989, and the CCC Administration became concerned with both the economics and the basic procedures of waste collection within secure areas.

We (S. A. Hart and E. P. Speck) very carefully looked at waste generation and waste collection. We learned what and how much waste comes from where, and how it is now being managed. A private contractor collects waste from outside the secure areas, and CCC itself collects from within secure areas, using both a compactor truck and a flatbed truck (for loose waste.) We recommended total loose waste collection and total collection by CCC. We defined a more efficient loose waste collection vehicle. After waste separation at a Recycling Facility, non-recoverables would best be hauled away by the private contractor.

We learned that 11% of the waste is "trashed" clothing, even after a good attempt at salvage at the time of collection. With a proper Recycling Center and a clothing repair facility, clothing salvage alone has a \$179,500/year gross benefit. Recyclable cardboard has a \$10,000/year economic potential; paper, glass, metal, and plastics are at best break-even recoverables, but make labor, environmental, and political sense.

Food waste is the most interesting, and after clothing, the most cost-effective commodity to recover and recycle; it is estimated to be worth \$176,000/year. We strongly advised against a hog-feeding operation, but recommended an innovative and progressive alternative. The CCC is underlain by economical geothermal water. Food waste could be spread on geothermally-heated concrete slabs and be hand-raked to dryness (like coffee beans are dried in Central America and Africa.) The dried food waste is high in fat, but would be very salable as an additive for dog, chicken, dairy, and other animal feeds.

The Prison Industry Authority (PIA) is making plans for a major metropolitan garbage recycling project. Right now the Department of Corrections could implement practical, progressive, and cost-effective recycling at all of its present operations. This would enable the Department of Corrections to be at the forefront in meeting new State environmental mandates, and be a training ground for any future PIA program.

"PRUNO:" THE INMATES' CHOICE

INMATE-MADE WINE: INEVITABLE PART OF PRISON OR UNCONTROLLED DANGER TO STAFF, PRISONERS?

Pruno is prison jargon for inmate-manufactured wine. It is usually made with orange pulp with sugar added as a catalyst. Some other ingredients may include apples, rice and fruit cocktail or other fruits. Other catalysts may include syrup, Koolaid, or anything with sucrose or fructose as an ingredient. And, of course, prunes.

Complaining staff point out that Folsom Prison policy allows inmates to take the fruit of the day from the dining room to their cells. This, they contend, is not only unsanitary but provides the staples from which pruno is made.

Most of the inmates will give their fruit to another inmate if they do not want it. This, complaining staff contend, means it can end up in homemade wine.

TOO MUCH SUGAR?

Sugar is provided for the morning breakfast meal in packets, which can be taken back to cell blocks. Prison committee staff members saw boxes of sugar cubes on sale in the inmate canteen, for taking back to the cell blocks by inmates, and staff say sugar is often stolen by inmates.

Supposedly inmates are permitted to take sugar to their cells, or buy it in quantities in the canteen, to provide sugar for their coffee, and other food items they prepare in their cells. They also use it for pruno, though it can be

made using other substances, such as bread which contains yeast.

Many old time prison staffers say it is impossible to stop inmates from making homemade wine, and that to some extent, it provides a way for inmates to let off steam or pass the time of a prison sentence.

The California Penal Code Section 2084 requires that inmates receive plain and wholesome food and the Folsom food section goes to great lengths to make certain that inmates receive 3 such meals daily. Nutritionists would probably conclude that they receive better balanced meals than most citizens on the outside, though whether they then EAT a balanced meal is another matter.

Yet question could be raised as to why the easy availability of sugar and ingredients for pruno?

DANGERS CITED BY STAFF

CCPOA State President Don Novey, at a meeting of the California Blue Ribbon Commission on Inmate Management, told the commission that Pruno poses a greater prison danger than drug use because of the conduct and potential danger of the drunken inmate compared to that of the inmate on most drugs.

Complaining staff cite one night's figures September 6, 1989: in one unit, nine inmates found inebriated on pruno, and 120 in 90 days written up for such.

An internal Folsom staff member in 1989 concludes:

Mr. _____ stated that a serious problem continues with the number of disciplinary infractions involving the use/manufacture of alcohol (pruno). He said that over 100 disciplinary rule infractions have been issued in the last 90 days for pruno-related violations. Due to the problem escalating, he is evaluating the possibility of not allowing inmates to bring whole fresh fruit back into the unit from the dining room. Inmates are obviously abusing this privilege by using the fruit to manufacture the alcohol.

RECOMMENDATIONS:

- o The Department, at Folsom or at a sampling of

institutions, should compute the number of homemade wine violations during sample periods, and whether they resulted in any serious injuries or medical problems or affecting inmates or staff.

- o The Department should consider removing sugar for sale in canteens and at meals and substituting artificial sweeteners, perhaps in dining rooms as well, and the impact of such on inmate management, should be looked into by the department.
- o Consideration should be given as to whether a concerted effort should be made to eliminate the making of homemade wine, or greatly reducing its production, if it is the cause of serious problems within a prison similar in severity to those caused by illegal drugs.

PROGRAM ADMINISTRATORS

UNIT MANAGEMENT STATE-OF-THE ART THROUGHOUT BUT FINE TUNING, RE-STUDY NOW ADVISEABLE

Those opposed to the current system say that Program Administrators are not needed, that the units they manage are not standardized, that non-custodial staff should not give orders to the 'troops in uniform', and that the inmates manipulate the Program Administrators. The complainants propose that Correctional Lieutenants replace the Program Administrators.

CCPOA itself has also often voiced complaints and doubts about the program administrator system. Unit Management is the division of the prisons into small units of 500 to 600 prisoners, each unit being managed by a Program Administrator. Unit management has been used in the Department of Corrections for 35 years but did not reach Old Folsom until 1986, making this the last facility to convert to this system of management. The delay was due in part to the unwieldy physical layout of the 100-plus-years-old facility and in part because Folsom has been the most conservative prison in the state--the last to racially integrate inmate facilities, the last to hire Black and Hispanic officers, and the last to accept women officers.

The Department concluded that this concept provides an onsite management team within each program unit. A program administrator is in charge of all program unit operations such as confinement, classification, assignments of inmates,

etc. This concept has been recognized by correctional experts to provide more effective and efficient management than the traditional large penitentiary setting. The Department believes this to be the most safe and secure manner of operating the world's largest prison system.

ARGUMENTS AGAINST UNIT MANAGEMENT

These have not changed since San Quentin unitized twenty years ago. Many custodial staff felt then as they do now that the prison was managed more effectively and economically when one Associate Warden promoted from the custody ranks supervised one Captain who supervised several lieutenants.

Under Unit Management, responsibility is diffused through a Chief Deputy Warden, an Associate Warden, five Program Administrators and their Lieutenants. Some Custodial staff are annoyed that the Program Administrators need not have a custody background and therefore could not be depended upon to honor old prison traditions. Also, the Program Administrator system makes some old-line hard-liners out of style in their management techniques so that they do not get promoted as readily and do not get the more desirable unit jobs.

ARGUMENTS FOR UNIT MANAGEMENT

These, too, are about the same as they were 35 years ago. The first point about unit management is the great advantage in having prisons divided into 500-bed units so that staff will know the inmates better. This in turn provides better security and better programming. The second argument in favor of unit management is that guarding is just one function of a prison and that managers need to have a wide range of qualifications to manage these mini-prisons within a prison.

There is no reason why different units in the same prison cannot house slightly different inmates and have slightly different programs. The complainants feel this is a disadvantage but diversity may help in managing different kinds of inmates in the same institution.

Unit Management is a department-wide program and can be evaluated only on that basis. It represents the current state-of-the-art in correctional management whereas cell block management by correctional lieutenants represents a

style that goes back more than 100 years in California prisons. Unit management has worked well and has helped the CDC adapt to a more complex legal and social climate, most modern penologists conclude.

To the extent that the Department of Corrections supports a variety of programs ranging from work and training to counseling and pre-parole preparation, the Program Administrator concept is perhaps more useful than using more narrowly qualified administrators. As departmental programs other than work diminish in number and quality in recent years, largely due to overcrowding, the broader qualifications of the Program Administrator become less necessary.

With the rapid expansion of California prison system, mistakes have been made by program administrators and the department is still in the process of developing enough skilled administrators, including minorities and women, to fill the needs of a vast department. Those who are unable or unwilling to prepare themselves from promotion under Unit Management concept may never accept the sidetracking of their careers.

RECOMMENDATIONS:

- o there is no evidence that the Unit Management concept is in urgent need of change. However, as the major management system for Department of Corrections prisons, Unit Management should not be perpetuated without periodic critical examination. Audits of the units with evaluation of periodic critical strengths and weaknesses would be useful, perhaps as part of the department's audit and inspection program or perhaps by outside evaluation by corrections experts with broad knowledge of prison management systems.
- o A study of the qualities and experience patterns of the best Program Administrators could lead to more effective promotional selections.

CLOTHING, LINEN, BLANKET CONTROLS

1988 MEMO LISTED \$1,000-PER-DAY IN SUCH LOSSES; FOLSOM OFFICIALS SAY NEW SYSTEM WILL CUT WASTAGE

A 1988 survey of clothing waste on one day, in one portion of Old Folsom and by a prison materials supervisor, concluded that based on his count, Folsom was wasting or throwing out \$1,000 a day in such items. This was outlined in a March 2, 1988, memo. Staff members made similar complaints (see Exhibit A at rear of this section).

Folsom officials say this is no longer true and have stepped up inmate and staff inspections of waste receptacles referred to above; the prison has set up a committee to establish stricter controls.

A clothing and linen exchange--in which an inmate must turn in an old item to get a new one--"is currently being reviewed by management" though Folsom staff who complained originally to the Joint Prisons Committee indicate waste still goes on.

(One advantage of the fact that a very high percentage of modern-day inmates at Folsom buy and care for their own jeans as well as other clothing items is that it cuts down on the wear on state-furnished clothing and laundering.)

PROBLEM STILL EXISTS

It is true that much clothing is thrown into the trash cans but Committee staff observed inmates retrieving clothing from yard trash cans as part of their assigned duties. Also, in the cell blocks, clothing was being retrieved and set aside, presumably to be sent to the laundry. Inmates are hard on clothing because they have no investment in conserving state-issued clothes. Management of clothing and linen is an ancient and ongoing prison problem.

Total enforcement of clothing regulations and the rules against destruction of clothing may cost more in staff time than the amount recorded from the inmates.

ANNUAL REPLACEMENT COSTS SYSTEM-WIDE

The annual replacement cost for inmate clothing in the following categories as outlined in Business Administration Manual Section 5200 are as follows:

<u>Male Inmates</u>	<u>Regular Budgeted Complement</u>	<u>Annual Replacement Factor</u>
All (except Camp)	\$234.10	\$182.89
Camp Inmates	320.80	315.95*

*(Includes boots, helmet, foul weather jacket, leather gloves).

The actual prior year expenditure at Folsom Prison was (88/89) \$1,209,650 divided by 6,754 inmates = \$179.10 per inmate for clothing, well within the budgeted allotment for initial complement (\$234.10) and annual replacement (\$182.89).

Inmates full State issue of clothing and linen includes:

4 blue denim pants	1 jacket
4 blue chambray shirts	1 pair shoes
6 boxer shorts	2 blankets
6 pair of socks	1 pillow case
6 T-shirts	2 sheets
1 belt	1 towel

EFFORTS, COUNTER-EFFORTS

Folsom spokespersons point to a multifaceted effort to cut down clothing waste and to salvage and reuse torn and worn out clothing and linens:

1. Searching trash cans.
2. Confiscating excess clothing in cell searches.
3. Repairing items in the Folsom clothing room.
4. Reusing torn clothing in the form of rags in a wide range of uses such as for paint drop cloths, dining room use, covers for Indian inmates in their sweat lodges, and Muslim inmates when they kneel for prayer.
5. Collecting clothing from an inmate when he is transferred to another institution or paroled from Folsom.

Questions remain as to whether inmates can be counted on to diligently search for discarded or tossed-out items in trash cans and whether corrections officers are likely to put such efforts as above very high on their lists of necessary duties.

And with inmates handling much of the laundry operations and clothing distribution,, staff members say it is routine for inmates to give out clothing or linens to friends without close accounting.

Staff in the Folsom clothing room cite another problem: They contend that the room receives back from the prison laundry, run by the Prison Industry Authority, substantially fewer items of clothing than is sent to it on regular laundry runs. This deficit in clothing then has to be made up by the clothing room buying the shortage of items from PIA.

Committee staff was also told that laundry carts are not always escorted across the yard by offices, and that when not, inmate workers find it easy to give out clothing items to inmates.

As pointed out in the previous section, staff found sizable numbers of wool blankets being used for a wide variety of purposes in the Folsom yard. These ranged from table covers to pads for weight-lifting stools.

CONCLUSIONS, RECOMMENDATIONS

Indicative that it is not a problem at Folsom alone are the conclusions reached a year ago, in a recycling study at California Correctional Center, Susanville, which showed that 600 pounds of reuseable clothing a day (110 tons a year) was being discarded there, that clothing salvage alone would save \$179,500 a year at that one prison. The study, by S. A. Hart and E. P. Speck, and commissioned by Corrections, concluded clothing salvage was just one of scores of items that could be salvaged or recycled at Susanville, or any prison. (Exhibit B)

It seems unlikely that clothing inventorying in a prison is ever likely to resemble that of keeping track of prescription drugs in the prison infirmary or of ammunition in the prison armory.

And Folsom management seems to be making increased efforts, within the limits of what can be done depending on inmates and staff help in an area not likely to be considered of critical importance.

- o Auditor General or Legislative Analyst could be assigned to such a study to measure the degree of loss and how it could be reduced if significant.

- o Folsom management could focus in on the difference between how many items go to the PIA laundry, and how many come back, and how the difference can be accounted for.
- o Tighter controls could be placed on new-for-old clothing exchanges, with inmates held accountable for lost items, as is the case in the military.

Memorandum

EXHIBIT A

March 2, 1988

"Clothing/Linen Waste"

To : Mr. L.J. Benson
Procurement & Services Officer II

From : Folsom State Prison, Represa 95671

Subject: Search of Garbage Cans Leaving Old Folsom

On the above date I sent Mr. Vigil, Clothing Supervisor, into Old Folsom to again search the garbage for clothing that is being thrown away and is still in usable condition. He returned to the Warehouse with the following:

Blankets	-- 4ea.	-- \$ 32.40	Pillow Cases	- 14ea.	-- \$12.04
Pants	- 13pr.	-- 159.25	Socks	- 7pr.	-- 4.90
Jacket	- 1ea.	-- 13.25	Towels	- 23ea.	-- 34.27
Shirts	- 9ea.	-- 90.00	Sheets	- 8ea.	-- 32.96
T-shirts	- 15ea.	-- 39.75	shoe	- 1ea.	-- 12.25
Undershorts	19ea.	-- 39.90			

Mr Vigil was only able to search one half of the cans. While he was searching, there was a stabbing on the yard and it was closed.

The amount Mr. Vigil found today was \$470.97. Mr. Vigil assured me that had he been able to finish the balance of the cans he would have, atleast, doubled this amount.

It would seem that Old Folsom is still throwing away approximately \$1000.00 worth of clothing and linen per day.

Mr. Vigil informed me that two of the shirts, valued at \$10.00 each, he found in the garbage had never been worn.

One of the inmates that has been helping Mr. Vigil each time he has searched the garbage told him that what he found today was nothing and he should have seen the clothing that was thrown away Monday.

This search of the garbage was our forth and to date we have salvaged \$3522.70 worth of clothing and linen from the garbage and have taken it to the Laundry for cleaning and re-issue.

It would help our Clothing Room budget if we could find a way to stop this flagrant waste of clothing and money.

R.W. Novak
R.W. Novak
Warehouse Manager I

RECEIVED
STATE PRISON AT FOLSOM

MAR 02 1988

PROCUREMENT OFFICE
AGENCY 5380

Discussed with
Jan Trash Runners

Set A on 3/11/88
G/OB

Memorandum

April 8, 1988

Mr. Valadez, P.A.
Building 5
Old Folsom

From : Folsom State Prison, Reprasa 95671

Subject: Clothing and Linen Prices

Per our conversation on the above date here are the prices of all clothing and linen issued to the inmate population:

Jeans, Work, Blue Denim	\$12.25
Shirt, Blue Chambray	10.00
Socks	.75
T-shirts	2.65
Shorts, Boxer	2.35
Jacket, Blue Denim	13.25
Jacket, Melton	22.75
Shoes	27.40
Rain Coat	15.65
Rain Hat	2.53
Belts w/Buckle	1.35
Towels	1.52
Sheets	4.29
Pillow Cases	.93
Blanket, Wool	16.00
Blankets, Cotton	8.00

I would like to thank you for your efforts to reduce the clothing waste here at Folsom Prison.

If I can help you in any other way please feel free to call me.

R.W. Novak

R.W. Novak
Receiving Warehouse
Manager I

Clothing

POTENTIALS FOR RECYCLING AND IMPROVED SOLID WASTE MANAGEMENT
at the
CALIFORNIA CORRECTIONAL CENTER, SUSANVILLE

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FOOD WASTE AT FOLSOM

UNAVOIDABLE IN A 7,000-INMATE PRISON? COULD IT BE GIVEN TO NEEDY FAMILIES, HOMELESS? SUSANVILLE STUDY PROPOSES DRY/BAKE REUSE

Numerous questions have been raised about possible food waste at Folsom Prison, about the cook-chill method used there and in all new state prisons, about the automated meals served, the providing of four slices of bread per meal, about the sack lunch system that admittedly results in inmates' throwing away of many food items and whole lunches. Could unused food be saved to feed the homeless?

They are the same issues that could probably be raised concerning food policies at any state prison where meals must be served to 7,000 inmates three times daily, nutrition requirements met, waste dealt with and meals served in a facility where security problems--such as unit or prison-wide lockdowns--can cause severe food-serving dilemmas--particularly in food preparation areas where mashed potatoes must be made in bins as big as a small room.

Complaints were also heard about food theft, bartering of kitchen food by inmates who take it back to their cells. And about lack of storage space in the kitchen. Folsom officials tended to deny or downgrade such complaints, say they do not happen, or could not be avoided if they did.

Questions raised by some prison officers and inmates were followed up by time spent at the prison's food serving facilities by committee staff members over several days during January and February.

Efforts initiated by committee staff are still underway on possibilities of salvaging food to turn over to such organizations as Loaves and Fishes, the Salvation Army and other groups providing food to the poor and homeless, if problems can be worked out.

THE COOK-CHILL METHOD OF PREPARATION:

The cook-chill method of cooking food up to three days in advance and then warming it and serving it in the units is efficient and fits well the need for a large institution but means that unused food cannot economically be saved or refrigerated and held for future use.

Re-chilling and re-cooking, then rewarming cook-chilled food is expensive and costly, and such food cannot be refrozen, and thus most such unused food is thrown out. (Exhibit A, p.H-9, 10)

Lockdowns just before meals, when inmates are confined to their cells, prison-wide or in one or more units (such as after a stabbing or disturbance) can result in huge quantities of cook-chilled food being thrown out, staff officers say.

Rose Hamilton, food service administrator at Folsom, states that items that can be saved are saved, though some food service officers indicate that lack of storage space at the prison limits this.

However, Folsom officials contend that the cook-chill method in use at Folsom results in an annual saving of \$135,000 in overtime, based on 1 1/2 hours per day for the ten employees over a year's time.

This is the system used at most new prisons and its use will be expanded as more prisons are built. Most older prisons still use the old system of cooking and serving food from large containers.

SAME-MEAL METHOD FOR EVERY INMATE

Providing every inmate with the same items at each meal, regardless of whether he wants all items, does result in wastage. Each inmate's tray contains the same items, and Folsom officials state this is the only way that 7,000 inmates can be served three times daily, that manual servings of food items is not feasible.

The Committee staff was told that the system of cook-chill

and reheating of food, coupled with the loading of trays on a conveyer out of sight of the inmates has reduced waste substantially. Most staff seemed in agreement this, although some inmates would rather have the old system where they could sometimes get large portions of a favorite food, and pass up less favorite. As noted above, the prison must fix enough portions of each item on the meal to serve all the inmates since it is hard to predict what the response will be to any specific food item. Menus showing what will be served at Folsom are posted 7 days in advance, often resulting in sometimes hundreds of inmates skipping meals, and resulting in unused food that is disposed of. (See Exhibit B, end of this Section.)

Folsom officials state that items served are often cut from menus when they turn out to be unpopular, as a means of reducing wastage.* This is also based on results of food surveys taken among inmates.

Another factor cited is that some extra meals (5-7 percent) must be prepared for each meal to avoid running out of food during serving, a touchy situation in a prison setting, they say.

According to the Department of Corrections, Supervising Cooks at Folsom are required to have several years of experience at preparing food for 600 or more persons. Twelve meet standards set by the American Correctional Association, based on a 40-hour course, and numerous other food service staff are currently enrolled in the courses.

Systemwide the budgetary allowance for food is \$2.42 per day per inmate. This is the amount deemed necessary for a balanced diet. Annual per capita costs for the entire prison system ranged from \$2.18 to \$3.18 per inmate per day. Folsom is maintaining a per inmate food cost of \$2.35.

(*The Department Food Services handbook for instance, requires that four breakfast meals per week shall consist of stewed fruits, no more than two of which shall be prunes." Stewed fruits, however, have proved unpopular with inmates and it was observed that 98% of the prisoners threw away their stewed prunes at breakfast. However, these were agricultural surplus prunes that cost the prison just shipping charges. Consequently, Folsom has discontinued the prunes.)

Some correctional officers complain that 2 out of 5 inmates discard their vegetables after eating the rest of the meal, and that half of the inmates throw out their salads. However, there is no easy answer or resolution to this. Corrections regulations and standards require that each inmate be served a balanced meal. But there is no way to force him to eat it.

Complainant correctional officers, some inmates, and the food service manager agreed that they didn't think there should be dessert at every evening meal. However, the regulations require it.

SACK LUNCHES AND WASTAGE:

At breakfast, each Folsom inmate is given a sack meal for lunch as well. Some take them to their cells, some take items they want and discard the rest of the meal. Many toss out the entire sack lunch.

However, the prison is obligated to furnish every inmate with a complete day's ration, whether or not he eats it. No Warden dares run a system where the kitchen may run out of food 3/4 of the way through the meal serving. prisoners who buy canteen food can throw away their sack lunches.

Health regulations do not permit anyone to use the remainder of the lunch if the inmate opens the bag. The contention is that the inmate may get germs onto the food and, therefore, it must be thrown away. However, the food services manager indicates that if the lunches are not picked up, she plans a meal around them (such as apples, made into apple pie or used in lunches the next day).

WASTE AND KITCHEN WORKERS:

Inmates abuse and waste food. This occurs particularly with those inmates that are assigned to work in the kitchens at both the old and the new facility, the correctional officers feel. These workers are permitted to have leftover food. These privileges can be abused such as trading food items with other inmates. On occasion they destroy or discard food.

One officer said in a written statement: "During routine cell searches I have numerous times had to confiscate state food which had been stolen from the culinary department and then either sold or used for personal use to cook in their hot pots in their cells, with electricity for which the state has to pay." Once this food is confiscated it has to be discarded.

In interviewing the Food Manager, she agreed that there is food theft. She did not have any answers except that that is typical in a prison setting.

FOOD STORAGE FACILITIES: ADEQUATE?

Some officers, including ones assigned to Folsom kitchens, contend that inadequate design and lack of storage space in the facilities' kitchens--including the remodeled unit at Old Folsom and the four-year-old kitchen at New Folsom, contribute sizable to food waste.

However, these are technical questions which would require expert examination and were not gone into in this study. One instance cited was the spoilage of 2,000 pounds of potatoes, though present Folsom food service spokespersons say this occurred 3 years ago. (Exhibit C, officer's statement)

FOUR SLICES OF BREAD PER MEAL?

Prior to the start of this investigation inmates received up to 4 slices of bread with many meals, even when rolls, hamburger, buns, tacos or other bread items were also served. Inmates often used bread slices for napkins, and that huge quantities of bread were thrown out. (Exhibit D, statement)

After this investigation began, Folsom instituted a new policy on bread-per-meal -- cutting down the number of slices given at each meal. (Memo Nov. 3, 1989).

FOOD FOR THE HOMELESS?

Meetings were held with Folsom officials and representatives of state and local health departments and from some of the local groups serving food to the poor or homeless, but little progress has been made.

All cited problems in any efforts to salvage food: Corrections officials pointed out:

- that it is expensive, time consuming (up to 6 hours), risky health-wise and nutrition-wise to salvage unused food from the cook-chill process..
- that the danger of inmate sabotage or poisoning of donated food is ever-present, and that food pickup trucks entering and leaving prison grounds pose problems of escape and potential

smuggling in of drugs or contraband.

--storage and timing problems at the prison and for receiving agencies would have to be solved, particularly for food requiring refrigerated transit and storage.

Both health officials and those from charitable agencies cited transportation, timing and storage problems, though it was generally agreed that unopened sack lunches might offer the best prospect for utilizing wasted food in efforts to feed the homeless.

Thirteen of the prisons do not and will not be using the cook chill method and prison officials agree food might be salvaged there. Even in cook-chill, 70% of the meal is cook-chilled but 30% is not and thus would seem to offer possibilities for saving for other uses.

County and state health officials say the laws include "hold harmless" clauses to protect restaurants and others who give food for the poor and this would seem to protect institutions such as prisons in cases such as accidental food poisoning.

Asked if Folsom could permit growing of foods for the needy on prison grounds, using inmate labor from the admittedly huge pool of inmates without jobs in prisons, Folsom officials pointed to what they considered problems: Difficulty in finding suitable inmates, costs of guards for such farming enterprises, possible sabotaging of food, probably opposition from regular growers because of the competition.

And at the bottom line, of perhaps providing throw-out food to hog farmers, officials say it is hard today to give away such "slops" to farmers.

After the committee investigation began, Folsom officials did announce a several-phased operation to find and cut waste in all items, including food (see section on Destruction of Materials for more details.)

SUMMARY AND RECOMMENDATIONS:

An Auditor General's Audit of Folsom food practice in 1986, requested by Senator Presley's Prisons Committee, found much food waste, theft and too-large servings to inmates. It estimated yearly waste of meat at \$129,000 alone. Most of these problems were resolved, according to Auditor General follow-up checks.

But current surveys indicate waste and misuse still exists, some undoubtedly unavoidable, some not.

With Folsom serving 21,000 meals a day and the Sacramento area alone having 12,000 to 14,000 homeless; with the state prison system as a whole serving almost 270,000 meals daily (87,000 inmates) going up to 450,000 meals daily by 1995, the problem of unused or wasted food takes on mammoth proportions in a state which seems unable to feed several hundreds of thousands of its citizens daily.

Perhaps most encouraging money-wise, though not providing food for the needy, are the proposals in a 1989, study, "Potentials for Recycling and Improved Solid Waste Management," at the California Correctional Center in Susanville. The study was commissioned by the department.

the study rejected using food wastes to produce methane gas as uneconomic, anaerobic digestion as impractical, but concluded "baking" unused or discarded food as an "innovative and progressive alternative" which could perhaps bring \$176,000 in returns to that one prison alone.

The process would convert the material through heat into a product "very salable as an additive for dog, chicken, dairy and other animal feeds," based on \$200 per ton.

It proposed utilizing geothermal heat, available near Susanville, as the best alternative at that prison, drying and baking the food on a drying slab. (See Exhibit E)

RECOMMENDATIONS:

- o that the Department of Corrections, state and local health officials and representatives of the broad range of groups feeding the poor and homeless initiate an effort to find ways of salvaging wasted or dumped food--particularly in the prisons where the cook-chill method is not used and which may offer the best prospects.
- o that Corrections re-examine whether the cook-chill method is the best method of prison food preparation in cost and efficiency for its 10-15 more prisons to be built by 1995.
- o that Corrections consider allowing charity groups to raise food on the hundreds of acres around almost every state prison, perhaps even utilizing some of the thousand of idle inmates to help grow such food items, as long as security was not threatened.
- o that the State of California explore methods of saving,

transporting and refrigeration of unused food from all its state institutions--colleges and universities, hospitals as well as its prisons for distribution to the needy through both public and private systems.

- o that the department explore further the turning of unusable food items into dry resaleable residue as a base for feed for animals, as proposed.

*** FOLSOM STATE PRISON ***
 MAIN KITCHEN

EXHIBIT A

DATE: 1-18-19

ACTUAL COUNT: 1128
 5%: _____

DINING ROOM PANTRY No.: 1

LEFTOVER CHART

	AMOUNT MADE	AMOUNT ISSUED	AMOUNT LEFT OVER	COMMENTS
CHILLED APPLE	1200	1200	200	Returned to Stock
HOT FARINA CEREAL	1120	1120	50 SLS	DISCARD
HOT WAFFLES	1020	1020	0	
INDV. SYRUP PKT.	1200	1200	150	Returned to Stock
WHIPPED BUTTER EN CUP	1200	1200	200	Return to Stock
SUGAR	—	—	—	
CHILLED FRESH MILK	1200	1200	100	Returned to Stock
HOT COFFEE	29 LBS	18 LBS	29 AL	ISSUED

NOTE: TO BE RETURNED TO THE SUPERVISING COOK-II ON DUTY DAILY.....

*** FOLSOM STATE PRISON ***

MAIN KITCHEN

DATE: 1-19-90

ACTUAL COUNT: 1118

5%: _____

DINING ROOM PANTRY No.: 1

LEFTOVER CHART

	AMOUNT MADE	AMOUNT ISSUED	AMOUNT LEFT OVER	COMMENTS
FRESH ORANGE	1200	1200	100	Returned to Stock
CORNMEAL MUSH CEREAL	1020	1020	405oz	DISCARDED
CREAMED BEEF	1150	1150	305oz	DISCARD
FRESH FRIED POTATOES	1150	1150	325oz	DISCARD
HID TOAST	—	—	—	
HOT BISCUIT	1056	1056	0	—
WHIPPED BUTTER EN CUP	1200	1200	100	Returned to Stock
SUGAR	—	—	—	
CHILLED FRESH MILK	1200	1200	100	Returned to Stock
HOT COFFEE	184LB	184LB	2.9 GAL	ISSUED.

NOTE: TO BE RETURNED TO THE SUPERVISING COOK-II ON DUTY DAILY.....

A. Ballin

FOOD WASTE

DECLARATION

DATE August 26, 1989

I, _____, New Folsom, DECLARE THAT

THE FOLLOWING FACTS AND INFORMATION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, OR THAT I BELIEVE THEM TO BE TRUE;

Some of the things I have seen in my job in Folsom Culinary dept.

Folsom has no facilities for making use of food that is not used or left over. It tends to be always discarded and dumped.

For instance, if there is a lockdown declared at Old Folsom near a mealtime, all the food prepared and delivered is dumped even the small amounts that could be saved in our storage.

Part of the reason for this is that the quick-chill method now in use makes it difficult to save large amounts of food. The food item, such as frozen spinach, is first thawed and heated, then chilled, then **HEATED** again before it is served. Thus it cannot be refrozen.

In addition, Folsom has no arrangements with outfits such as Loaves and Fishes or other charities that provide food for the homeless and which organizations are often desperately in need of food. Folsom has no system set up for getting this food to these organizations for use. Thus a meal totally dumped because of a lockdown goes out in huge garbage cans.

This could easily be done by making arrangements in advance with such organizations.

We throw out 6-8-10 large cans (garbage cans) of food each day that could be used or saved through better planning, at Old Folsom alone.

Under the present system, each inmate's tray at Old Folsom gets a serving of each item, even if he does not want it. Same with slices of bread. I estimate each inmate gets 6 to 10 slices of bread a day, whether he wants it or not. Often inmates use bread as napkins to ~~wipe~~ wipe their hands and then throw away.

(Use additional sheets if needed)

SIGNED _____

DEPARTMENT OF CORRECTIONS
BUDGET REQUEST/CONCEPT STATEMENT
FISCAL YEAR 1990/91

DATE: AUGUST 17, 1989

LOCATION: CALIFORNIA STATE PRISON-SACRAMENTO COUNTY

1. STATEMENT OF PROBLEM:

The main kitchen does not have an adequate area for storage or enough dock space to move stock in and out in a timely manner. This is accelerating the amount of pilferage resulting in increased daily costs. With the closing of the Old Folsom Butcher Shop and Paper Storage Facility, this will only compound the already impacted areas. Food being transported from the Blastchiller to the Dock Refrigeration unit is being delayed in transit daily as the Dock is consistently tied up with deliveries. This is causing the temperature of the food in the carts to rise, thus risking contamination and spoilage. The Main Kitchen was originally designed to service New Folsom, productivity has doubled in order to prepare and deliver food to Old Folsom and the two minimum facilities.

2. DISCRIPTION OF EXISTING OPERATIONS:

Every item that must be prepared for daily consumption by the inmates house at New and Old Folsom must enter and exit through the Main Kitchen back Dock. Since there is almost no storage area, supplies and food products must be delivered constantly from the warehouse. Deliveries of products must be broken down and repalletized by warehouse staff in the exact quantities for deliveries, thus exhausting valuable warehouse resources and time. This constant delivery of products ties up the one and only lift, negatively impacting the rest of the Culinary operations.

3. ADVERSE EFFECTS OF CONTINUING PRE-EXISTING OPERATION:

If operations continue on their present course, the food prepared in the Main Kitchen will become increasingly susceptible to spoilage, pilferage will escalate and productivity will decrease. As Dock operations are severely impacted by everyday operations, the closing of the Old Folsom Butcher Shop and Paper Storage area will compound the problem in not only the Culinary Department but the Warehouse and Sateelite Kitchens as well.

4. DISCRIPTION OF PROPOSED CHANGE:

Combine Factory #17 with Factory #18 or move it to Facility "B" in the Old Folsom Course Wood Products Shop. This will give additional Dock access for deliveries, abundant paper and drygood storage, cut down on product theft by Inmates, caused by goods being left out waiting to utilize the Dock lift. This will also provide additional office and hot room storage so desperately lacking in the current operation. This will allow Culinary to receive full pallets of products, thus cutting down on excessive utilization of warehouse resources. The products will be stored in close proximity to the main kitchen, thus allowing access to goods on weekends and holidays without having to enter the warehouse.

5. IDENTIFY NEEDED RESOURCES:

The cost of moving Factory #17 to another location will more than offset the reduction in pilferage, prevention of food spoilage, reduction in warehouse resources and increased productivity.

WEEKLY MENU

NAME OF FACILITY

PREPARED BY

Menu for Cycle 3 #1Date: From January 1 To January 7, 1990

Day	Morning	Noon	Night
M O N D A Y	FRESH FRUIT DRY CEREAL PANCAKES (3) SYRUP WHIPPED BUTTER SUGAR MILK COFFEE	LUNCHEON MEAT AND AMERICAN CHEESE SANDWICH PEANUTBUTTER SANDWICH INDIVIDUAL MUSTARD FRESH FRUIT CHIPS GRAHAM CRACKERS MILK OR PUNCH *	FRESH SALAD W/DRESSING OVEN FRIED CHICKEN CHICKEN GRAVY BREAD DRESSING PEAS AND CARROTS DINNER ROLL/BUTTER ICE CREAM BEVERAGE
T U E S D A Y	STEWED FRUIT DRY OR HOT CEREAL CREAMED BEEF FRIED POTATOES BISCUITS OR TOAST WHIPPED BUTTER/HONEY CUP MILK/SUGAR COFFEE	POOR-BOY SANDWICH ON FRENCH ROLL CHIPS INDIVIDUAL MAYONNAISE/RELISH FRESH FRUIT COOKIES MILK OR PUNCH *	GREEN SALAD W/DRESSING ITALIAN SPAGHETTI MEAT SAUCE PARMESAN CHEESE BUTTERED SPINACH ICED CAKE BREAD/GARLIC BEVERAGE
W E D N E S D A Y	CHILLED JUICE HOT CEREAL DANISH ROLL/PEANUTBUTTER CUP (0) EGG (1) WHIPPED BUTTER TOAST (2) MILK/SUGAR COFFEE	LUNCHEON MEAT & CHEESE SANDWICH PEANUTBUTTER & JELLY SANDWICH CAKE OR COOKIES CHIPS INDIVIDUAL MAYONNAISE FRESH FRUIT MILK OR PUNCH *	GARDEN SALAD W/SPICY DRESSING GRILLED PORK CHOP (P) APPLE SAUCE BROWN GRAVY/RICE PILAF SEASONED TURNIP GREENS BLACKEYED PEAS/CORNBREAD HONEYBUTTER/FRUIT PIE BEVERAGE
T H U R S D A Y	FRESH FRUIT DRY CEREAL SCRAMBLED EGGS HOME FRIED POTATOES TOAST/SUGAR/JELLY WHIPPED BUTTER CUP MILK COFFEE	LUNCHEON MEAT AND CHEESE SANDWICH (2) CELERY STICKS GRAHAM CRACKERS INDIVIDUAL MUSTARD/RELISH FRESH FRUIT MILK OR PUNCH *	COLESLAW W/DRESSING DEEP FRIED FISH FILLETS AU GRATIN MACARONI TARTAR SAUCE SEASONED GREEN BEANS BREAD/WHIPPED BUTTER FRUIT TURNOVER BEVERAGE
F R I D A Y	CHILLED JUICE HOT CEREAL ICED COFFEE CAKE WHIPPED BUTTER TOAST (2)/SLICED BOLOGNA (2 OZ) MILK SUGAR/COFFEE	LUNCHEON MEAT & CHEESE SANDWICH PEANUTBUTTER & JELLY SANDWICH CHIPS INDIVIDUAL MUSTARD/RELISH COOKIES/FRESH FRUIT MILK OR PUNCH *	LETTUCE SALAD W/DRESSING SALISBURY STEAK NATURAL GRAVY WHIPPED POTATOES BUTTERED SPINACH BREAD/BUTTER FRUIT GELATIN W/TOPPING BEVERAGE
S A T U R D A Y	½ GRAPEFRUIT HOT CEREAL FRENCH TOAST OR WAFFLES SYRUP 2 OZ WHIPPED BUTTER MILK/SUGAR COFFEE	LUNCHEON MEAT & CHEESE SANDWICH CHEESE SANDWICH INDIVIDUAL MAYONNAISE CARROT STICKS GRAHAM CRACKERS FRESH FRUIT MILK OR PUNCH *	FRESH SALAD W/DRESSING ENCHILADA W/SAUCE & CHEESE STEAMED RICE SEASONED PINTO BEANS SALSA SAUCE/CORNBREAD ICED CAKE BEVERAGE
S U N D A Y	CHILLED JUICE HOT CEREAL FRIED EGGS W/ SAUSAGE LINKS (P) HOME FRIES TOAST/BUTTER SUGAR/JELLY MILK/COFFEE	LUNCHEON MEAT & CHEESE SANDWICH PEANUTBUTTER & JELLY SANDWICH INDIVIDUAL MUSTARD/RELISH CHIPS COOKIES FRESH FRUIT MILK OR PUNCH *	FRESH SALAD W/DRESSING CHICKEN PATTIE COUNTRY GRAVY BREAD DRESSING PEAS AND CARROTS BREAD AND BUTTER ICE CREAM BEVERAGE

CDC 1201 (12-84)

* Punch packets to be served in sack lunches

THIS MENU IS SUBJECT TO CHANGE WITHOUT PRIOR NOTIFICATION.

Food / Potatoes

EXHIBIT C

DECLARATION

DATE August 28, 1989

I, _____, DECLARE THAT
THE FOLLOWING FACTS AND INFORMATION ARE TRUE AND CORRECT TO THE
BEST OF MY KNOWLEDGE, OR THAT I BELIEVE THEM TO BE TRUE;

On August 4, 1989, I worked in the main kitchen of C-Facility, New Folsom.
I observed over 3,000 pounds of potatoes being destroyed because they had
spoiled. The potatoes were to be used to make potatoe salad, but because of
poor food management, they spoiled.

I also see the waste of food and water as well as the misuse of state
issued inmate clothing on a semi-regular basis.

(Use additional sheets
if needed)

SIGNED _____

H-15

Food/Sewing

EXHIBIT D

DECLARATION

DATE August 27, 1989

I, _____, DECLARE THAT
THE FOLLOWING FACTS AND INFORMATION ARE TRUE AND CORRECT TO: THE
BEST OF MY KNOWLEDGE, OR THAT I BELIEVE THEM TO BE TRUE;

The following list of items is wasted on a daily basis:

1. BREAD Each inmate is given approximately 4 slices of bread during the evening meal. 2 out of 4 inmates will throw all 4 slices away. When hamburgers or hot dogs are served with buns, they will also be given 2 to 4 slices of bread.

2. VEGETABLES 2 out of 5 inmates will discard their vegetables after eating the rest of the meal.

3. SALADS Depending on the type of salad, half of the inmates will throw this item in the trash.

There has to be a better system for serving food. The culinary workers pilfer large amounts of food before, during, and after each meal. Dessert is served at every evening meal. Once a week should suffice.

The waste of water and electricity is far beyond excessive.

(Use additional sheets
if needed)

SIGNED _____

H-16

Food/clothing/prison/staffing

DECLARATION

DATE September 8, 1999

I, _____, DECLARE THAT
THE FOLLOWING FACTS AND INFORMATION ARE TRUE AND CORRECT TO THE
BEST OF MY KNOWLEDGE, OR THAT I BELIEVE THEM TO BE TRUE;

Large amounts of food is thrown away or stolen/wasted by the culinary workers. Enormous amounts of water waste because showers and sprinklers are constantly left on. Inmates are not made accountable for loss of state issued clothing and linen. Inmates have access to fruit and sugar for wine making. Third Watch is under staffed while second watch is way over staffed. There is constant fear of reprisals from the administration.

(Use additional sheets
if needed)

SIGNED [Signature]

H-17

Correctional Officer

Old Folsom

POTENTIALS FOR RECYCLING AND IMPROVED SOLID WASTE MANAGEMENT
at the
CALIFORNIA CORRECTIONAL CENTER, SUSANVILLE

The above-titled report was written for the Department of Corrections (Contract 86-D) in April 1989 by Samuel A. Hart C.E. and Eugene P. Speck P.E.

The CCC at Susanville wants to construct a Recycling Center to provide work for inmates, and to be a progressive environmental activity. Two additional items were also important: the cost of waste disposal at the Lassen County sanitary landfill rose drastically in early 1989, and the CCC Administration became concerned with both the economics and the basic procedures of waste collection within secure areas.

We (S. A. Hart and E. P. Speck) very carefully looked at waste generation and waste collection. We learned what and how much waste comes from where, and how it is now being managed. A private contractor collects waste from outside the secure areas, and CCC itself collects from within secure areas, using both a compactor truck and a flatbed truck (for loose waste.) We recommended total loose waste collection and total collection by CCC. We defined a more efficient loose waste collection vehicle. After waste separation at a Recycling Facility, non-recoverables would best be hauled away by the private contractor.

We learned that 11% of the waste is "trashed" clothing, even after a good attempt at salvage at the time of collection. With a proper Recycling Center and a clothing repair facility, clothing salvage alone has a \$179,500/year gross benefit. Recyclable cardboard has a \$10,000/year economic potential; paper, glass, metal, and plastics are at best break-even recoverables, but make labor, environmental, and political sense.

Food waste is the most interesting, and after clothing, the most cost-effective commodity to recover and recycle; it is estimated to be worth \$176,000/year. We strongly advised against a hog-feeding operation, but recommended an innovative and progressive alternative. The CCC is underlain by economical geothermal water. Food waste could be spread on geothermally-heated concrete slabs and be hand-raked to dryness (like coffee beans are dried in Central America and Africa.) The dried food waste is high in fat, but would be very salable as an additive for dog, chicken, dairy, and other animal feeds.

The Prison Industry Authority (PIA) is making plans for a major metropolitan garbage recycling project. Right now the Department of Corrections could implement practical, progressive, and cost-effective recycling at all of its present operations. This would enable the Department of Corrections to be at the forefront in meeting new State environmental mandates, and be a training ground for any future PIA program.

FOLSOM PRISON MISCELLANY...

DRUG PROGRAMS

...although it has almost 7,000 inmates and although figures show at least 75% of California's prison inmates have used drugs, are in prison on drug charges or were involved in drug-related crimes when arrested, Folsom has almost no drug rehabilitation program.

The same is generally true at the state's other 19 prisons, though programs are now operating for more than 1,000 parolees--35% of whom systemwide have their parole revoked for drug violations.

An audit of Corrections' in-prison drug programs, made by the Auditor General at request of the chairman of the Joint Prisons Committee, concluded in February, 1990, that Corrections has only two operating drug rehabilitation programs in its system:

As of December, 1989, the Department's institution-based substance abuse treatment programs are limited to a nine-week academically based program for 40 inmates at Sierra Conservation Center and the Civil Addict Program (at California Rehabilitation Center, Norco) which requires inmates to participate in a 120-hour Civil Commitment Education Program.

The Department has a two-year-old intensive rehabilitation program for approximately 1,800 parolees/drug users (SARD or Substance Abuse Revocation Diversion) and a program for approximately 40 parolees in Fresno County (SATU for Substance Abuse Treatment Unit).

It has set up an Office of Substance Abuse with plans for a wide-ranging program that will include drug abuse education, detection including urine testing, Alcoholics Anonymous and Narcotics Anonymous programs at each prison, tighter visitor

policies to restrict incoming drugs, and expanded staff training.

The first major segment of this program won't get underway until August with an intensive 200-inmate program at the Richard Donovan State Prison in San Diego County, combining in-prison treatment with concentrated follow-up with the same inmates when they are paroled to the San Diego area.

However, Corrections Director James Rowland is the first to admit that "we don't have enough drug rehabilitation programs now; 2,000 out of 90,000 inmates."

MEDICAL COSTS

...as with all of California's prisons, Folsom contracts with outside hospitals and medical facilities to handle serious medical problems. Folsom figures show these costs totaled \$606,530 during the 1988-89 fiscal year. (Routine prison medical cases are handled by an infirmary at each prison, or at one of three Corrections hospitals.)

Highest single cost was \$68,284 for one inmate who died, though Warden Borg told the Joint Prisons Committee in a December 19, 1989, hearing that medical costs totaled \$130,000 for one inmate who placed a bottle up his rectum in an attempt to smuggle drugs into the institution. The prison by law is obligated to provide medical care for inmates since they are in state custody.

FOLSOM'S YARD PHOTOGRAPHER

...Folsom has an inmate whose job is to serve as yard photographer. With script bought at the inmate canteen, an inmate can have his picture taken to send home to relatives or friends. Rules are strict and the photo cannot be taken against anything but a blank wall--not against exits, or with locks in the background.

And the photos are limited to 1 or 2 persons so a prisoner cannot have his picture taken with 5 other prisoners and send it home and say "this is my gang," prison officials explain.

The yard photographer has to turn in his negatives each day.

DISCIPLINARY ACTIONS AGAINST STAFF

....In fiscal year 1988-89, adverse actions (disciplinary actions) were taken against 130 of the facility's 2,200 staff members, or 5.9%. Actions were modified by action of the warden in what are

called Skelly hearings or Warden's Review in 47 cases; only 3 were changed by State Personnel Board action, according to statistics furnished by prison authorities.

OVERTIME COSTS

....the majority of overtime hours necessary at Folsom are covered by calling in Permanent Intermittent Employees (PIEs) because, Folsom officials state, "they are normally at the bottom of the salary scale paid at straight time rate and do not receive health benefits until they have worked at least 1,000 hours.." This avoids having to utilize regular staff at time and a half.

This also permits not filling existing vacancies at Folsom "in order to alleviate the possibility of layoffs or forced transfer of staff when the Asbestos Abatement Program begins in March of 1990 at which time the following positions will be eliminated: 66.7 Correctional Officers, 6.49 Correctional Sergeants and 3.22 Correctional Lieutenants.

Extrapolated for a full year, prison officials say, the cost savings for coverage of vacant positions by use of PIEs (rather than paying overtime to regular staff) would be approximately \$487,000 a year.

INMATE CANTEEN

....sodas and Clearasil are among the top sellers at the small Folsom canteen which sells primarily soft drinks, canned foods, toilet and personal articles.

An inmate who works full-time on a prison job can spend up to \$140 of his own money per month at the canteen; those available for jobs but with no job can spend up to \$70 a month.

Inmates not willing to work are limited to \$30 a month.

STAFF OMBUDSMAN

....Folsom now has a staff ombudsman to investigate alleged infringements of employee civil rights and other rights, issues related to adverse actions, formal discrimination complaints, etc. in addition to the normal grievance procedures and avenues.

HANGING TO HARMONY

....the band room where the Folsom band practices and plays used to be the old death row, fixed up now with many coats of paint and refurbished. But you can still see where the rope used to come down from above. One observer says the room has "real good acoustics."

VIOLENCE REDUCED AT FOLSOM

....Figures on violent incidents at Folsom, compiled by prison officials, show a definite downward trend over the past three years.

They show 432 incidents in 1988, 309 in 1989 and 56 in the first three months of 1990, the latter figure indicating a possible total of less than 250 this year if trends continue.

1988	-	Total Violent Incidents:	432*
		Total Victims Transported to Outside Hospitals:	51
		Total Medical Cost:	\$1,616,550.00
		Total Custodial Cost:	\$813,344.00
1989	-	Total Violent Incidents:	309*
		Total Victims Transported to Outside Hospitals:	61
		Total Medical Cost:	\$2,092,222.05
		Total Custodial Cost:	\$511,896.00
1990	-	Total Violent Incidents:	56* (3 months)
		Total Victims Transported to Outside Hospitals:	12
		Total Medical Cost:	\$440,000.00
		Total Custodial Cost:	\$93,800.00

* Non-injury incidents are included.

These include inmate/inmate fights, inmate-on-staff and staff vs. inmate confrontations including a 1988 incident now under investigation by the FBI in which at least a dozen corrections officers were alleged to have assaulted a staff officer. At least a dozen officers were brought up on disciplinary charges, at least one terminated and the investigation is still continuing.

PRISONER LITIGATION

62 ATTORNEY GENERAL STAFFERS DEFEND SUITS AGAINST CDC SYSTEM-WIDE: 500 AT FOLSOM ALONE

The California Department of Justice now has more than 60 attorneys and staff dealing with nothing but inmate lawsuits, of actions filed on behalf of inmates by attorneys.

Almost 500 suits have been accepted by the courts from inmates at Folsom Prison alone.

The Attorney General's unit handling prison litigation is authorized 62.5 positions with a total budget of about \$4.5 million; add to this Corrections and Board of Prison Terms legal staff, plus the time spent by institutional personnel in data collection and investigations in connection with inmate legal actions.

The Attorney General's staff divide CDC legal actions into four categories: (1) Civil Suits under Federal Civil Rights legislation; (2) Habeas Corpus actions filed in state courts; (3) Discovery requests (other than connected with other types of lawsuits; (4) Writs filed on behalf of the people, contesting court actions.

There has been major growth in all categories over the past decade, but the growth is proportional to the growth in prison population so that the lawsuit situation is not larger per capita than in 1979-80. In 1980-81, for example, 227 civil rights cases were opened, while in 87-88 some 1,008 were opened.

SUITS FILED AT FOLSOM PRISON

The Attorney General's staff state that from one-third to one-half of that office's work comes from the older Level IV prisons. Even though San Quentin and Old Folsom are being reduced in classification, there are many hold-over writs that will be in the course for some time after the prison situation changes.

According to the Department of Corrections there are 498 lawsuits by inmates or their attorneys active against Folsom. The Department of Justice count is 340 (apparently there are differences in how the cases are counted.) Either figure amounts to a significant burden upon the prison and the Department of Justice. By comparison, DOJ figures show 128 open cases against San Quentin Prison. However, San Quentin has a smaller inmate population and a different inmate characteristic mix.

Significantly, 60% of the Folsom cases are filed by inmates or counsel in the United States District Court-Eastern District. The department contends that this court accepts cases that would be rejected by other courts and that inmates seek out such amenable courts as destinations for their writs.

Cases pending which Folsom officials cite as frivolous: **Maddox vs. Borg**. The inmate claims he is not allowed on the grass in A Facility for organized sports.

Wimbley vs. Borg et al. The inmate filed suit because as a culinary worker he was not provided with rubber gloves while washing pots and pans.

Gage vs. Borg et al. Law suit claimed the noise level at Old Folsom was too high.

Inmate **Macias** filed suit demanding a non-smoking cell partner.

The following is the CDC list of suits by subject areas in which 20 or more writs have been filed by Folsom inmates:

Medical	88
New Trials	75
Housing Status	50
Disciplinary Results	28
Classification Action	27
Mail	26
Property	26
Assault by Staff	24
Treatment by Staff	22
Religious Issues	21
Library Issues	20

The medical area stands out as the target of a

disproportionate number of suits, followed by inmate's seeking new trials and change of housing status. Folsom also reports 14 inmates cases in small claims court.

The figures, of course, are the number of suits accepted by the courts. There are no figures on how many hundreds of writs inmates file but which are rejected by the courts, but it can safely be put at 2-3 times the number accepted.

All prisons must now have law libraries, by court decree, and inmates must be guaranteed time to spend in them. Most have copy machines (inmates must pay 10 cents per page.)

BACKGROUND ON PRISONER LITIGATION:

Prior to the 1960's, litigation by prisoners was infrequent and their writs were nearly always denied by the courts. The courts operated under a "hands off" doctrine that held that the courts should not tell wardens how to run their prisons. This situation was changed by two circumstances: First was the growing concern that began in the 1960's about the treatment of prisoners. Secondly, federal civil rights legislation was applied to prisoners thus opening a very large area for filing of prisoner complaints that would not have been considered previously by the courts. A third factor is related to these two: Because indigent prisoners could have a court-appointed private attorney if their petition was accepted for hearing, it became economically and ideologically worthwhile for lawyers to seek out cases that the courts might accept.

IMPACT OF PRISONER SUITS

While total precise figures are not available, it is clear that court costs, the more than sixty Department of Justice attorneys and staff, and Department of Corrections staff time required to investigate and handle inmate lawsuits, all total millions of dollars each year.

Prisoners have unlimited time to work on legal documents which cost them nothing to file or to pursue as indigent. They suffer no financial or legal penalty if they file false allegations or frivolous suits as might citizens on the outside. For many of the writ-writers, access to the courts provides them with a rather expensive recreational activity.

On the other hand, basic law has been changed by the actions of prisoners and some genuine abuses of power have been corrected. It may be that the expenses of dealing with frivolous suits is part of the cost of changing bad conditions.

CAN PRISONER LITIGATION BE REDUCED?

Inmate legal actions probably cannot be substantially reduced in number for the following reasons:

Judicial Acceptance of Writs: Judges have great discretion in choosing which cases they will hear. There will always be some judges who have more than average sensitivity to the complaints of prisoners but even conservative judges are reluctant arbitrarily to limit the rights of anyone to ask for judicial relief from what might prove to be unconstitutional conditions.

The California Courts can, in principle, adopt rules as did the federal courts which reduce what was felt to be prisoner abuse of the legal system. However, individual judges still can act in ways they think best.

Legislative Actions: Legislatures cannot restrict the kind of case a court chooses to hear nor generally dictate procedures to courts. The rights of prisoners are interwoven with the rights of all citizens and tampering with this process does not seem wise.

Legislative Caution: The Legislature can, in theory, pass less ambiguous laws which have less need for judicial interpretation. The Legislature can also be cautious about such legislation as the so-called Inmate Bill of Rights which prompted considerable testing in the courts. However, even that law is now so well-tested that changing it would lead to another spate of suits.

Prison Actions Limited: Folsom and Department of Corrections actions can have influence only in that area of writs which identify serious violations of rights such as corporal punishment or other illegal actions. Good staff training and supervision can reduce the number of writs alleging seriously improper actions by staff. However, most suits involve differences of opinion about how a law should be interpreted or dialogue between the courts and the prisons about what constitutes safe and humane prison procedures.

That the process can work is demonstrated by a dramatic drop in lawsuits when the Board of Prison Terms made changes including speedier hearings, in the parole revocation process that were necessary to assure the courts that fair procedures had been instituted.

Lawsuits can also help CDC administrators identify areas in need of attention. Attorney-General's spokesperson say that the prison litigation unit now has enough staff to handle the workload, and that some time can now be spent in analyzing prison lawsuits to determine if there are remediable causes for some of the writs.

Legal staff point out also that the Inmate Appeals Process has worked well in reducing the number of issues being sent to the courts and that this program should be supported and made as effective as possible. The appeals program has been criticized by inmates because they feel that few prisoners get relief through this means. Conservative officers criticize the appeals process as undercutting their authority to manage prisoners.

CONCLUSIONS/RECOMMENDATIONS:

The inmate lawsuit situation at Folsom is not substantially different from the situation at other high security prisons in the state. Inmate zeal for court actions is a system-wide phenomenon that resists democratic solutions and may well be part of the cost of maintaining a democratic society. It should be noted that only a very small percentage of the prison population gets involved in filing lawsuits, 7% at Folsom currently (500 cases, 7000 inmates though some cases have multiple complainants). This ratio, of one case per 7 inmates, is far greater, however, than the ratio among free citizens outside--particularly since free citizens almost always have to pay their own legal fees.

Folsom officials say less than 1% of the cases are ruled against the prison.

The Correctional Law Section (CLS) of the Attorney General's Office, which handles prison-related legal actions, concluded in an April, 1989, study that:

In earlier days, before being subjected to court, public or press scrutiny, our correctional agencies operated in a relatively quiet milieu...More recently, since the courts have begun to scrutinize activities more closely, every action these agencies take is subject to review, and every action or failure to act must be documented and justified...

The range of CLS case subject matter is best explained as encompassing everything that an inmate might do during the day, including work, recreation, meals, medical care, religion, sleep, and the conditions in which these activities occur. Each of these activities is then tested by constitutional, statutory and administrative standards.

The section listed 1,299 new cases being filed in fiscal year 1987/88 alone. As of April 4, 1990, 128 new cases had

been opened during fiscal year 1989-90 by Folsom inmates.

Major changes have been brought about through suits against the department by legal firms handling cases for inmates. The Toussaint case (Joseph Toussaint a San Quentin inmate) together with Wilson vs Deukmejian, forced major changes at San Quentin, Folsom, Soledad and Deuel Vocational Institution. These included forbidding mainline double celling of inmates, requiring multi-million-dollar remodeling at San Quentin and Folsom to eliminate health, safety and civil rights violations. Total state costs in legal fees and construction ran between \$35 and \$40 million in the Toussaint case alone.

Attorney General's Office figures show the Toussaint case which began in 1973 and still continues, has cost the state thus far \$347,000 in fees paid to the monitor set up by the courts to see that the decision is enforced by Corrections, \$3,496,000 in fees paid by the state to attorneys representing the client inmates, \$100,000 in transcripts of court hearings, and at least \$1,457,000 in time spent by Attorney General's office attorney staff in representing the state in the courts. Total \$5.5 million in legal costs.

Not included in the above figures are the costs to the state yearly of legal actions--in which the state usually pays the legal fees of both the plaintiff inmates and the state defense costs--of the nearly 300 inmates on death row. The Attorney General's office breaks it down as follows: \$78 million a year on death penalty trials, an extra \$2.8 million for special housing of death-row inmates, another \$1.8 million to prosecute death row inmates on appeal, and yet another \$7.6 million defending condemned prisoners on appeal, totaling \$90 million a year spent on the death penalty alone.

- o The Department of Corrections and the Attorney-General's staff should be encouraged to develop a tracking program to identify, classify and analyze the flow of lawsuits from the prisons. This program can lead to better and more focused staff training.
- o The Inmate Appeals Program should be studied and refined to be as fair and responsive as possible to genuine inmate grievances.
- o As one possible way of reducing the never-ending wave of lawsuits, Corrections should consider setting up an in-house or in-prison mediation service to try to resolve some inmate complaints before they reach the suit stage, as is done through mediation services on the outside.

Mediators would probably have to be chosen from outside the prison system to maintain their impartiality, and the inmate would retain the right to attempt to file suit if unsatisfied with the result--as is the case with administrative hearings in the "free" world. However, settlements could result in substantial monetary savings to the state, if the system were successful.

POLLUTION OF THE AMERICAN RIVER

COMMITTEE FINDS UNREPORTED INSTANCES; SPILLS; WATER CONTROL BOARD ISSUES ABATEMENT ORDER

During this investigation of certain problems and issues at Folsom Prison, corrections staff officers brought to the attention of committee staff that on numerous occasions, the prison was dumping illegal substances into the river.

This was based on visual sightings by staff officers and on a log maintained through their efforts at the institution's fire station, and on samplings taken.

These included samples which revealed paint, caustic soda, oil, diesel fuel, gasoline, two raw sewage spills of 10,000 to 15,000 gallons and on a second occasion, of 35,000 gallons, as well as tunnel wash, floor wax and stripper.

Follow-up queries by committee staff to the State Water Resources Control Board's Central Valley office revealed that most but not all of the incidents had been reported to the board's staff.

Board officials met with Folsom representatives and called a hearing on Folsom problems in December, 1989, at which procedures were set up aimed at achieving better and more complete notification of such spills, procedures to prevent them and other steps.

Following is sequence of events which occurred in

relation to the reported spills and actions:

- o August, 1989 -- Committee staff met with corrections officers who cited specific instances of Folsom Prison dumping into the American River. Meeting was then held with Folsom staffers, committee representative and F. Wayne Pierson, Senior Engineer of the Central Valley Region of the California Regional Quality Control Board (SWQCB).

After some delays, prison officials provided list of spills or sited contamination of the river from July 20, 1988 to August 23, 1989, showing 11 instances including paint, soap, raw sewage, including 35,000 gallons of raw sewage.

- o On September 25, 1989, a letter was sent by Senator Presley to Pierson, Senior Engineer requesting information on the incidents documented by the Fire Department at Folsom. (Exhibit A at end of this section.)
- o The SWQCB responded on October 4, 1989 that only two of the raw sewage spills had been reported by Folsom Prison and that they (SWQCB) would be meeting with Folsom Prison management to discuss the list of spills, reporting procedures, and a plan involving short-term and long-term physical facilities for preventing future spills. The SWQCB indicated that Folsom Prison could do several things to prevent such discharges, including: 1) educating staff and inmates; 2) modifying housekeeping procedures, 3) providing acceptable means of disposing of wastes; 4) replumbing troublesome storm drain inlets to the sanitary sewer system; and 5) testing their storm drains to locate and repair cross-connections to water lines; and 6) providing traps near outfalls to provide holding time to divert accidental spills. (Exhibit B)
- o October 18, 1989, Sacramento Bee article stated that "State water pollution officials have told Folsom administrators to stop spilling raw sewage and other wastes into the American River and to come up with permanent solutions." (Exhibit C)

Law requires all spills to be reported to the

SWQCB but, the article contended, only 3 sewage spills had been reported, not the other 11.

- o On October 19, 1989, Folsom Warden Robert Borg sent a revised list of spills and noted errors, in a letter to the committee. He also listed several steps to correct future spills and answered questions raised by the prisons committee and the water control board. (Exhibit D)
- o An October 31 letter from the Department of Fish and Game, in reply to a letter from the prisons committee, said it had not been notified of the spill which resulted in a fish kill and that Folsom Prison has not been meeting Department of Fish and Game pollution laws regarding incidents such as occurred February 3, 1989, and in April and July, 1988.
- o On November 9, 1989 public notice was given by the California Regional Water Quality Control Board, Central Valley Region, that a hearing would be held in the State Capitol, on December 8, to consider the adoption of a Cleanup and Abatement Order requiring Folsom State Prison to cleanup wastes and abate their effects in relation to the pollution of the American River. (Exhibit E)
- o On December 8, 1989, a hearing of the SWQCB was held and testimony was provided by Warden Borg regarding the Folsom Prison polluting the American River. The SWQCB heard testimony from both the SWQCB and Folsom Prison and subsequently adopted a Cleanup and Abatement Order against Folsom Prison. This order will be an ongoing system of monitoring efforts by Folsom Prison to abide by the regulations, and includes the requirement that Folsom Prison hire a toxic wastes consultant to assist and coordinate in required procedures in order to eliminate pollution of the American River. (Exhibit F)

SUMMARY, RECOMMENDATIONS

Based on action taken by the State Water Control Board at the abovementioned December 8, 1989 hearing, it would seem that this problem has received adequate attention and efforts are being made to correct the situation. However, a letter could be sent to SWQCB requesting annual or semiannual

updates of the status of these efforts.

Folsom officials point out that the laying, abandoning, and criss-crossing of storm and sewer lines in the Folsom Prison site which is more than 130 years old, has complicated the problem of tracking and halting spills. An \$800,000 project was begun in June, 1989, to replace main sewer lines, install new manholes, identify and correct cross connections and install a new bar screen. It will take until 1992.

Folsom has also contracted with Montgomery Engineering to study the prison's wastewater and storm drainage system.

An internal Folsom memo concludes that "As long as the antiquated sewer lines are in place, the potential for inappropriate cross connections and/or collapsed lines causing sewage spills will continue to exist."

SENATE MEMBERS

DANIEL BOATWRIGHT
ROBERT PRESLEY
LARRY STIRLING

ASSEMBLY MEMBERS

RICHARD FLOYD
STEVE PEACE
BYRON SHER

California Legislature

JOINT COMMITTEE ON PRISON CONSTRUCTION AND OPERATIONS

SENATOR ROBERT PRESLEY
CHAIRMAN

CHIEF CONSULTANT
ROBERT E. HOLMES
(916) 322-8536
ASSISTANT CONSULTANT
BARBARA HADLEY
1100 J STREET
SUITE 300
SACRAMENTO CA 95814
(916) 324-6175
ATSS 8-454-6175

EXHIBIT A



September 25, 1989

Mr. Wayne Pierson
Senior Engineer
Water Quality Control Board
3443 Routier Road
Sacramento, CA 95826

Dear Mr. Pierson:

As Barbara Hadley of my Joint Prison Committee discussed with you and Joe Henao at a recent meeting, we are looking into the spills and possible pollution of the American River involving Folsom State Prison.

Some staff members at the prison contend that the prison does pollute the river and that significant amounts of pollutants enter from its outlets. As a legislative oversight committee, we are following up to determine whether there is any validity to such allegations.

I am interested in your professional opinion on these questions:

- 1) Are these incidents and problems ones that you were aware of and is this a complete picture of contamination during that period, as far as that coming from the prison?
- 2) Which incidents, if any, would you consider significant as far as pollution of the river emanating from the prison?
- 3) Could any of these from prison sources have been prevented and should they have been, as far as the regulations are concerned that you enforce?
- 4) Did any of these result in admonitions or required corrective action by you vis a vie the prison?
- 5) Is the prison generally meeting state requirements as to river contamination? Are there other corrective actions they

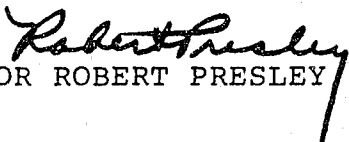
Mr. Wayne Pierson
September 20, 1989
Page 2

should be taking, or other river contamination problems that could threaten the river from the prison?

We are consulting other sources also but we, of course, particularly value your input since your board has primary responsibilities in this area.

Feel free to contact Ms. Hadley on my staff if you have any questions on the above. We would appreciate a written response but in the interests of time, you might want to relay verbal answers to her as well. Her phone number is (916) 324-6175.

Sincerely,


SENATOR ROBERT PRESLEY Chairman

RP:bc

Enclosure: 1

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD—
CENTRAL VALLEY REGION**
3443 ROUTIER ROAD
SACRAMENTO, CA 95827-3098



EXHIBIT B

4 October 1989

Honorable Robert Presley
Joint Legislative Committee on Prison
Construction and Operations
1100 J Street, Suite 300
Sacramento, CA 95814

DISCHARGES FROM FOLSOM STATE PRISON TO THE AMERICAN RIVER, SACRAMENTO COUNTY

Thank you for your letter of 25 September 1989 on the above subject. My responses are arranged in the same order as your questions.

1. The only discharges reported to us were the raw sewage spills (10 April 1989 and 6 July 1989 on your list). In our meeting with Ms. Hadley and the Folsom State Prison guard on 18 August 1989, we were informed of the other discharges in a general manner, but were not given the specifics included in your letter. Subsequent to receiving your letter, we met with Folsom State Prison management and discussed the list of incidents attached to your letter. It appears there was a misunderstanding among Folsom State Prison staff that led to them not reporting the other incidents. That misunderstanding has been corrected.

In general, all urban areas have similar sorts of problems with illegal discharges to storm drains. Although the severity of the problem at Folsom State Prison may be somewhat greater than that of the Sacramento metropolitan area, it is not significantly different from that experienced at other correctional institutions in the area. A large study of the urban drainage discharges from the Sacramento metropolitan area is just starting. It will provide much needed information about the characteristics of urban drainage discharges, their impacts on river water quality, and options for managing them. Additionally, the U.S. Environmental Protection Agency plans to promulgate final regulations soon requiring large metropolitan areas to obtain NPDES Permits for storm water discharges. It is likely that Folsom State Prison will be considered part of the Sacramento metropolitan area in the near future and become subject to the areawide NPDES Permit.

2. The most significant discharges were the raw sewage spills, both in magnitude and potential impacts on public health and aquatic life in the American River. The others are definitely of concern and we would like to see them reduced in number.
3. I cannot say if any particular discharge could have been prevented. However, such discharges can be reduced in number. Many people do not know that such discharges are illegal and cause harm to the environment. A combination of education, providing alternate means of disposal of wastes, other "best management practices" and some structural changes in the storm drain system should be effective in reducing the number of discharges.

The Porter-Cologne Water Quality Control Act and the Federal Clean Water Act definitely do not allow these discharges. In addition, many of the

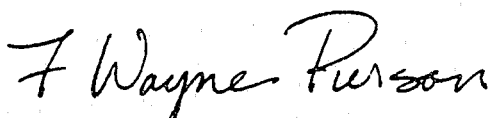
substances discharged to storm drains, e.g., used motor oil, some paints or thinner, and gasoline, are considered hazardous wastes and must be disposed of in a prescribed manner. We are presently working with cities, Folsom State Prison staff and local agencies in the Sacramento area to reduce these discharges.

4. Since we were only aware of the raw sewage discharges, those were the ones we responded to. After the 10 April 1989 discharge, we requested a detailed description of what happened, the cause of the spill, and what was necessary to prevent future spills. We also inspected the temporary work at the site to ensure the spill would not recur. With regard to the 6 July 1989 spill, initially information about the spill was requested. After it was reviewed, Folsom State Prison was told further such discharges were not acceptable and could lead to enforcement action. We also requested a plan involving short-term and long-term physical facilities for preventing future spills. The plan has subsequently been received and is now being implemented. After our 18 August meeting with Ms. Hadley, we informed Folsom State Prison management of the reported problems and requested an explanation and a plan for dealing with them.
5. Folsom State Prison has no waste discharge requirements or permits for a discharge. Their wastewater goes to the Sacramento Regional Wastewater Treatment Plant near Freeport. In general, waste discharge requirements or permits have not been required for storm water discharges from predominantly residential areas and thus no permits have been required for Folsom State Prison's storm water outfalls. Because of their potential for significant impacts on receiving water quality, many industrial sites have been required to obtain NPDES Permits.

As discussed earlier, there are several things that Folsom State Prison can do to prevent such discharges. First they can educate their staff and inmates, they can modify their housekeeping procedures to provide cleanup or disposal procedures that do not lead to these discharges, they can provide acceptable means of disposing of wastes generated on-site, they can replumb troublesome storm drain inlets to the sanitary sewer, and they can test their storm drains to locate and repair cross-connections to waste lines. Finally, they can provide traps or retention basins near outfalls to provide holding time to divert accidental spills. To the best of our knowledge, Folsom State Prison is in the process of implementing several of these measures.

We will monitor the progress Folsom State Prison makes. If there is doubt about the efficacy of their remedial actions, we may require them to sample and test their discharges and the river on a regular basis. If there is no progress in reducing the frequency of spills, we may also decide to require an NPDES Permit for their storm water outfalls to provide for more control.

Please contact me at (916) 361-5627, if you have any questions.



F. WAYNE PIERSON
Chief, Central Regulatory Unit

Folsom Prison told to stop sewage spills

By Stephen Green
Bee Capitol Bureau

State water pollution officials have told Folsom Prison administrators to stop spilling raw sewage and other wastes into the American River, and to come up with permanent solutions to their disposal problems.

Records at the Central Valley Regional Water Quality Control Board reveal three sewage spills from the prison so far this year, one of which killed up to 1,000 fish.

The board also has documented a dozen cases in the last 15 months where solvents, grease, soap and other chemicals were illegally dumped in storm drains to the river.

The Department of Corrections could

face fines of up to \$15,000 per day for each spill, said F. Wayne Pierson, who heads the water board's regulatory unit. But there have been no citations so far.

"We don't see any point in beating anybody over the head about the past stuff," Pierson said in an interview. "We want them to clean up their act in the future."

Folsom officials did not respond to inquiries Monday and Tuesday.

Pierson said the law requires all spills to be reported to the water board. Folsom officials reported the three sewage spills, but not the others, he added.

The records show the first sewage spill began on Jan. 31 at a construction site and continued intermittently for a week.

An estimated 10,000 to 15,000 gallons of

sewage escaped while prison officials sought advice on what to do about the problem. At one point, a large amount of chlorine was dumped into the sewage, which state Fish and Game officials say may have caused the fish kill.

The second sewage spill of approximately 35,000 gallons occurred from the same construction site on April 10. Then, on July 7, prison sewers backed up into storm drains and another 8,000 to 10,000 gallons overflowed into the river.

The prison is a half-mile upstream from Lake Natoma and the popular swimming beach at Negro Bar State Park. Pierson said there was no evidence that public

See SEWAGE, page B2

Sewage

Continued from page B1
health was threatened by the spills.

The water board learned of the other incidents from staff members of the Joint Legislative Committee on Prison Construction and Operations chaired by Sen. Robert Presley, D-Riverside.

Presley's staff heard reports that employees were illegally dumping wastes into storm sewers and asked prison officials to respond. A letter from Warden R.G. Borg in late August detailed a series of spills from food service and industrial operations at the prison. Borg's list, however, did not mention the Jan. 31 sewage spill.

Borg said dead fish were seen

around that time, but suggested operations upstream at Folsom Dam were responsible.

Other records on file at the water board, however, disputed Borg's claim and showed that prison officials had accepted responsibility for the sewage release at the time.

Borg also said in his letter to Presley's staff that water board officials are contacted "whenever a spill into the American River ... occurs."

But Pierson insisted the only contacts concerned the three sewage spills, not the storm sewer dumping.

"Folsom needs to take management actions to educate people not to use those storm drains for dump-

ing waste," Pierson said. "I think they've got a lot of work to do."

The third sewage spill apparently was caused by inmates who stuffed garbage down toilets and clogged up the system, said water board engineer Joseph Henoa. Prison officials have agreed to install flow restrictors on the plumbing so that "the water will back up and flood the inmate's cell rather than damage the system," Henoa said.

For decades, Folsom's storm sewers have been a chronic source of problems. An inmate even managed to escape through one several years ago.

DEPARTMENT OF CORRECTIONS

CALIFORNIA STATE PRISON AT FOLSOM

REPRESA, CA 95671

(916) 985-2561

EXHIBIT D



October 19, 1989

Ms. Barbara Hadley
Office of the Honorable Robert Presley
California State Senate, Room 4048
State Capitol
Sacramento, CA 95814

Dear Ms. Hadley:

The purpose of this letter is twofold. First, I am attaching a revised listing of the recorded spills into the American River adjacent to Folsom State Prison from July 1, 1988 through the present. In addition I would like to update you on the facility improvements completed and in progress in an effort to eliminate future spills.

In reviewing the logs maintained by our Fire and Plant Operations Departments, a discrepancy was discovered between the spills that were reported to the California Regional Water Quality Control Board and the listing sent to your office on August 29, 1989. It appears that the spill reported to you for April 10, 1989 was inaccurate in its description and date. This spill actually occurred January 31, 1989 and did not result in sewage spilling into the American River. In addition, the spill that did occur on April 10, 1989 was erroneously omitted. In order to eliminate this confusion in the future, all spills will be reported to the Business Office who will then record the incident and report it to the appropriate governmental agencies.

Until recently, it was our misunderstanding that only sewage spills were to be reported to the Regional Water quality Control Board (RWQCB). That misunderstanding has been corrected and Folsom Prison will henceforth report all spills into the American River.

Folsom Prison is working closely with RWQCB in an effort to continue facility improvements to eliminate these spills. Some of these facility improvements are noted below:

1. Fill dirt has been strategically placed for immediate accessibility for expedient control and/or diverting flow of gray water away from storm drains. This dirt is located in the Northeast sector of B Facility near Tower #38.

2. One containment area has been constructed at the 60" storm drain outlet located immediately below the North wall of the Old Facility, 100 yards East of Tower #5. As originally proposed, this area is intended to contain gray water should there be infiltration into the storm drain system. Modifications are currently underway to increase the holding capacity of this containment area and expected to be completed by October 31, 1989. Upon containment, the water would then be re-directed into an existing sanitary sewer located approximately 150 yards Southwest of the containment reservoir via mechanical pumps, or by using septic pump trucks.
3. Sewer cleanouts have been modified with trapping devices. These have been installed to trap foreign objects exiting the cells toilets and sink fixtures in the New Prison housing units of A, B, and C Facility. This will halt the entry of fabric type objects and most inmate fabricated weapons, thus isolating stoppages at the immediate source. This will significantly reduce the potential for main sewer line stoppages.

The following projects have been completed or are currently being pursued, to further minimize the possibilities of contaminants entering the Sewage and Storm Drain systems.

1. Folsom Prison has contacted the Department's Planning and Construction Branch requesting the review of a Civil Engineer to evaluate the other four storm drainage discharge sites. The objectives would be to provide recommendations to divert and contain contaminated water from entering the American River. During the January spill, Folsom temporarily dammed the end of a storm drain near outlet #5 in an effort to construct a temporary containment area. Primary areas of concern shall be focused on the discharge outlets #2-#5 (See Attachment A). Outlet #1 has been addressed as defined in item #2 above.
2. A Special Repairs Project to renovate the existing sewer mainline has been in progress since June 1989, at the Old Facility. Due to the cost and extent of this project, it is being accomplished in four phases. Phase #1 and #2 is expected to be completed by Mid-1990. These phases include the replacement of the main sewer lines from the North Gate to the abandoned Barscreen (See Attachment E). As these dilapidated lines were a major source of stoppages, the potential for reoccurrences shall be significantly reduced. This project will also identify the existing cross connections of the sewer and storm drains and will be eliminated during the renovation process.
3. Trapping devices for sewer cleanouts have recently been designed for installation at Old Folsom Prison. It is anticipated that installation will be in three phases due

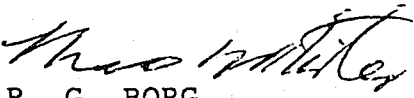
to cost and manpower. All trapping devices are expected to be installed within the next eighteen months. This action will significantly reduce the potential for main sewer line stoppages created by inmates.

In addition to the aforementioned measures. Folsom is committed to training and education all staff members on this subject. This has been and continues to be communicated through In-Service-Training, Staff and Department Meetings, Memorandums, the Institution's Safety Meetings, and through literature available through the Department of Health Services and Cal-OSHA. Department Heads and Supervisors are providing stricter enforcement of safe housekeeping practices, focusing on the safe handling, storage and disposal of toxic and hazardous materials as well as other non toxic materials. Reinforcement of existing Operational Procedures, housekeeping inspections and safety issues are constantly, reiterated to staff and inmates alike.

Furthermore, measures relating to immediate response to possible spills are effected through surveillance by the observation towers. The towers in visual proximity of the storm drain outlets (Towers #5 and #8), have been instructed to immediately contact the designated staff in the event of suspicious discharges.

In closing, I would like to assure you of our concern for the integrity of the environment and to reaffirm our commitment to controlling any spills into the American River. I also appreciate the continued cooperation extended by the environmental agencies toward this common concern.

Should you need any further information please do not hesitate to contact my office.


R. G. BORG
Warden

RGB:cv

Attachments

cc: J. Henao
R. Denninger
E. Alameida

10/19/89

FOLSOM STATE PRISON
AMERICAN RIVER SPILLS

Below is a summary of all possible spills reported to the Fire Department for the last year. All spills were reported to the Maintenance Department.

July 20, 1988 0745 hours
Possible spill into the Upper Yard/#21 Tower storm drain. [Gas leak possible but seems to be dissipating]. Investigation revealed that a vent pipe from the underground gasoline tank had busted at an undetermined time in the past. Accumulated vapors had penetrated the soil at the break point and water was causing the vapor condensation to surface. Industries Maintenance repaired the broken pipe within two [2] hours of the discovery and the soil was allowed to dry prior to final sealing of the area.

July 28, 1988 1212 hours
Tower 6, White Milky Substance flowing into the American River. Investigation revealed it to be caused by washing paint paraphernalia out in the shower area of #3 Building. Maintenance ran dye tests and upon them showing that the shower area crossed with the storm drains, corrections in the plumbing were begun. The plumbing change into the sewage system was completed approximately one [1] day later.

September 28, 1988 0944 hours
#6 Tower reported an Oil slick on the River. Investigation revealed that the Spill was coming from up-river and extended beyond the prison boundaries. Upon notifying B.L.M. [Folsom Dam Personnel], it was discovered that they had washed down their lower parking lot and the slick may have come from there.

September 28, 1988 1235 hours
Tower #6, White milky substance flowing into river. Investigation determined the substance to be soap; however, could not determine area of origin other than it could possibly have been from the valley storm drains.

October 5, 1988 1015 hours
Tower #5 reported Oil coming from up river. Investigation showed the slick coming from the area of the dam. B.L.M. [Folsom Dam personnel] were notified. The source of the spill was undetermined

October 19, 1988 1127 hours
Tower #6 reported a white Substance coming from storm drain. An investigation could not determine substance nor the source. A 24-hour surveillance was subsequently maintained with no further reporting of the substances exiting the drainage system.

December 14, 1988 1150 hours

Tower #5 reported Soap suds flowing into river. Investigation revealed the substance to be outdated milk which was being dumped outside "C" Facility, #3/4 Dining Room. Dining Room staff were told not to dispose of the milk in this manner and they complied immediately.

January 31, 1989 1500 hours

The installation of the Muffin Monster by Ford Construction Company resulted in a sewage spill with an estimated 5,000 to 6,000 gallons of sewage effluent flowing through a 500' drainage ditch and into a storm drain canal. In order to stop the spillage from being released into the river, the canal was sealed to contain the effluent. Water was consequently discharged from fire hydrants into the containment area to further dilute the liquid waste. Approximately 20,000 gallons of effluent and diluted liquid waste was then pumped back into the sewer line. On February 1, 1989, Ford Construction then superchlorinated the diluted liquid that was left in the containment area which killed an estimated 100 fish. The canal continued to contain the chlorinated water until it was tested on February 3, 1989 with negative results. That same evening the dam broke due to the large volume of storm water in the canal area releasing the dead fish into the river. The Department of Fish and Game and Regional Water Quality Control Personnel Board were apprised of the spill with the action taken.

February 4, 1989 1325 hours

Tower #6 reported dead fish in the river. Tower #6 is located upstream from the January 31st spill. An investigation disclosed no spill from the institution. B.L.M. personnel were contacted and they notified us that they had opened additional gates in the dam and that resulted in the dead fish.

February 5, 1989 1350 hours

#6 Tower reported a milky white substance flowing into the river from the storm drain. Investigation revealed that the inmate painters in #3 Building were cleaning water base paint from paint tools at the side building drains. They were ordered to cease and to use only the drain in the middle of the building which flows into the sewage system. The order was complied with immediately. Estimated spillage of one [1] gallon maximum of waterbase acrylic paint. Maintenance was notified and subsequently tied in the side drains with the sewage system instead of the storm drain system.

March 09, 1989 0915 hours

White milky substance spilling into American River from Industries. Investigation revealed it to be a washdown of a biodegradable soap spill. Personnel cautioned to use copious amounts of water in washing the soap up.

April 10, 1989 0645 hours

The watch commander reported the sewer was overflowing from the manhole near Tower #8. Investigation revealed the sewer was blocked by the dumping of sheets and other articles by inmates between Tower #8 and the new prison bar screen area. The sewer was cleared at approximately 0800. Based upon the estimated amount of effluent for that time of day, approximately 36,000 gallons flowed into the American River. Mr. Henao was informed of this incident.

April 17, 1989 0905 hours
Spill into river from Industries, substance undetermined, Tower #5 reporting. Fire Department staff investigated and determined that the substance appears to be soap coming from the Metal Fabrication area, where they were washing down an area.

April 20, 1989 1130 hours
A spill into river of unknown nature was reported by Tower #6. It was determined that the spill consisted of a minor overspray from a Food and Agriculture crew that was spraying the banks of the river

May 11, 1989 0745 hours
Spill into American River, substance of white soapy nature. Investigation determined the substance to be soap; however, the source was undetermined.

July 6, 1989 0930 hours (approximate)
Maintenance investigated and found a sewage backup and overflow into the storm drain system from the new institution. Again, the cause was due to inmates placing sheets and pillow cases into the sewage lines. The approximate amount of spillage was 8 to 10 thousand gallons. A containment area has since been applied for and approved and is currently in the process of being installed. The containment area has been approved by Mr. Joseph Henao, Water Quality Control Engineer.

August 02, 1989 1440 hours
#8 Tower reporting unknown substance in American River. Investigation revealed that the substance was on the river upstream of institution grounds. B.L.M. personnel were notified. There was no source determination made.

August 21, 1989 1417 hours
#5 Tower reporting a large flow of discolored water coming from drainage pipe flowing into river. Investigation revealed the brownish colored water to be earth mixed with water from a Fire Hydrant flush and test. There was no chemical involved.

August 23, 1989 1020 hours
#6 Tower reporting white milky substance in the river. Fire Department staff investigated and reported what appears to be a white soapy substance entering the river from the Old Folsom Storm Drain. Substance appears to be soap. Maintenance was notified; however, the source was undetermined.

October 19, 1989 1120 hours
#5 Tower reported a white milky substance flowing into the river from the #2 storm drain. Investigation revealed that the substance originated from the Prison Industries area where an inmate was washing down a truck with a biodegradable non-toxic cleaner. Water samples were taken and Joseph Henao was notified. Lab analysis is pending.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION
3443 ROUTIER ROAD
SACRAMENTO, CALIFORNIA 95827

NOTICE OF PUBLIC HEARING
in the matter of

CALIFORNIA DEPARTMENT OF CORRECTIONS
FOLSOM STATE PRISON
REPRESA, SACRAMENTO COUNTY

The California Regional Water Quality Control Board, Central Valley Region, (hereafter Board) will hold a public hearing:

Date: 8 December 1989
Time: 9:00 a.m.
Place: State Capitol
Room 126
11th between L & N Streets
Sacramento

to consider the adoption of a Cleanup and Abatement Order (C&A) pursuant to Section 13304 of the California Water Code requiring Folsom State Prison (hereafter Discharger) to cleanup wastes and abate their effects.

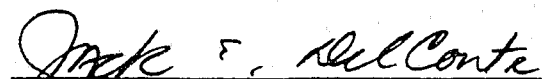
Specifically, the Board will consider the adoption of a Cleanup and Abatement Order to require Folsom State Prison to take all necessary measures to cleanup and abate spills of raw sewage due to wastewater collection system failures and dumping of other wastes into storm drains, all of which enter the American River.

The Board's staff, the Discharger and other interested persons will be given an opportunity to present evidence concerning these issues.

The Discharger and interested persons may, but need not, be represented by counsel. Length of testimony may be limited at the discretion of the Board Chair. Interested persons who have similar concerns are requested to select a spokesperson who can represent all of their concerns, if possible. Written copies of testimony to be presented at the hearing should be furnished to the Board on or before 1 December 1989.

The Regional Board file on Folsom State Prison is open to public inspection from 8:00 a.m. to 5:00 p.m. on weekdays.

Please bring the foregoing information to the attention of anyone you know who would be interested in this matter.


JACK E. DEL CONTE, Supervising Engineer

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD—
CENTRAL VALLEY REGION**

3443 ROUTIER ROAD
SACRAMENTO, CA 95827-3098

EXHIBIT, F



12 December 1989

CERTIFIED MAIL
P 057 282 355

RECEIVED

DEC 13 1989

Ans'd.....

Mr. Edward Alameida, Jr.
Associate Warden
Folsom State Prison
P.O. Box W
Repres, CA 95671

CLEANUP AND ABATEMENT ORDER, FOLSOM STATE PRISON, SACRAMENTO COUNTY

Enclosed is a copy of Cleanup and Abatement Order No. 89-242 for Folsom State Prison adopted at the Regional Board meeting on 8 December 1989.

The Order directs Folsom State Prison to submit technical reports and abate the spills of untreated wastewater. Two reports are due by 1 May 1990 and one by 1 July 1990. Please keep us informed of your progress on these reports. Additionally, the Prison should continue its ongoing efforts to prevent additional spills.

If you have any questions or wish to discuss it, please call me at (916) 361-5627 or Joseph Henao at (916) 361-5629.

F. WAYNE PIERSON
Chief, Central Regulatory Unit

FWP:JJH:ava

Enclosures

- cc+encl: Ms. Betsy Jennings, Office of Chief Counsel, State Water Resources Control Board, Sacramento
- Mr. Archie Matthews, Division of Water Quality, State Water Resources Control Board, Sacramento
- Mr. Bert Ellsworth, Water Supply Branch, Department of Health Services, Sacramento
- ✓ Senator Robert Presley, Joint Legislative Committee on Prison Construction and Operations, Sacramento

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. 89-242

CLEANUP AND ABATEMENT ORDER
FOR
CALIFORNIA DEPARTMENT OF CORRECTIONS
FOLSOM STATE PRISON
REPRESA, SACRAMENTO COUNTY

The California Regional Water Quality Control Board, Central Valley Region, (hereafter Board) finds that:

1. The California Department of Corrections, Folsom State Prison (hereafter Discharger) operates a correctional facility near the City of Folsom in Section 25, TION, R7E, MDB&M. The correctional facility includes inmate housing, kitchens and other housekeeping facilities, maintenance facilities, work facilities and recreational facilities. The correctional facility consists of the old prison, originally constructed prior to 1900 and the new prison just recently completed.
2. The correctional facility is adjacent to the American River, downstream of the Folsom Dam and upstream of Lake Natoma. Its drainage is to the American River and it has five storm drain outfalls that discharge to the American River. Its domestic and industrial wastewater, however, is conveyed to the Sacramento Regional Wastewater Treatment Plant for treatment and discharged to the Sacramento River.
3. The beneficial uses of the American River and Lake Natoma include municipal, industrial and agricultural supply; recreation; esthetic enjoyment; ground water recharge; and preservation and enhancement of fish, wildlife and other aquatic resources.
4. The Board, on 25 July 1975, adopted a Water Quality Control Plan for the Sacramento River Basin (5A), which prohibits the direct discharge of municipal and industrial wastes into the American River, including Lake Natoma, from Folsom Dam to its mouth.
5. On 31 January 1989, the Discharger caused or permitted, from 10,000 gallons to 15,000 gallons of untreated domestic wastewater to be discharged to the American River. The spill was a result of construction activities on the wastewater collection system. A temporary berm, not approved by the Regional Board, was constructed around part of the storm drainage system to prevent any additional leakage from reaching the American River. The untreated wastewater captured by the berm was chlorinated.
6. On 3 February 1989, the Discharger caused or permitted, an unknown quantity of the wastewater from the temporary berm to be discharged. A heavy rain storm caused the temporary berm to be over-topped and washed an unknown quantity of the chlorinated wastewater into the American River causing a fish kill.

7. On 10 April, the Discharger caused or permitted, approximately 36,000 gallons of untreated domestic wastewater to be discharged to the American River. A sewer line in the yard of the old prison had become blocked and wastewater had overflowed a manhole, eventually ending up in the American River.
8. On 6 July 1989, the Discharger caused or permitted, 8,000 gallons to 10,000 gallons of untreated domestic wastewater to be discharged into the American River. The cause of this discharge was also a blocked sewer line.
9. On 2 November 1989, the Discharger caused or permitted, an unknown portion of a spill of approximately 13,500 gallons of untreated domestic wastewater to be discharged to the American River. A blocked sewer line caused a manhole to overflow. The majority of the spill from the manhole was captured by a surface drain. An investigation of the likely path of the untreated wastewater after entering the surface drain was conducted by researching existing drawings, by physically uncovering parts of the drainage system and by the use of dye tracer. The investigation revealed a broken section of pipeline allowing comingling of wastes and storm drainage, a cross-connection of a waste line carrying condensate to a storm drain line. Part of the spill was discharged back into the wastewater collection system and part was discharged through a storm drain line to the American River.
10. By letter from the Joint Committee on Prison Construction and Operations, dated 25 September 1989, staff was informed that dumps and spills of wastes to the storm drain system were being discharged to the American River. The letter had an attachment listing spills, a copy of which can be found in Attachment A which is incorporated herein and made part of this Order. The attachment listed eight incidents from 20 July 1988 to 23 August 1989 of apparent discharge of wastes to the American River from the correctional facility through the storm drain system.
11. The discharge of the large quantities of untreated domestic wastewater and the wastes through the storm drainage system threatens the beneficial uses of the American River, violates the Water Quality Control Plan prohibition on the discharge of wastes and constitutes a nuisance and pollution.
12. Section 13304(a) of the California Water Code states, in part:

"Any person who has discharged or discharges waste into waters of this state in violation of any waste discharge requirement or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is,

or probably will be discharged into water of a the state and creates, or threatens to create, a condition of pollution or nuisance, shall upon order of the regional board clean up such waste or abate the effects thereof or, in the case of threatened pollution or nuisance, take other necessary remedial action."

13. On 8 December 1989 in Sacramento, California, after due notice to the Discharger and all other affected persons, the Board conducted a public hearing at which the Discharger appeared and evidence was received concerning the discharges.
14. The issuance of this Order is an enforcement action taken by a regulatory agency and is exempt from the provisions of the California Environmental Quality Act, pursuant to Sections 15321(a)(2), Title 14, California code of Regulations.
15. Any person affected adversely by this action of the Board may petition the State Water Resources Control Board to review the action. The petition must be received by the Board within 30 days of the date on which the Order was signed. Copies of the laws and regulations applicable to filing petitions will be provided on request.

IT IS HEREBY ORDERED that pursuant to Sections 13267 and 13304 of the California Water Code, the Discharger shall submit the following technical reports and implement the following remedial actions. The technical reports shall be prepared by a civil engineer registered in the State of California. All reports, plans, and time schedules submitted are subject to review and approval of the Executive Officer.

1. Employ forthwith whatever means are necessary to abate the overflows of untreated domestic wastewater from the collection and conveyance system.
2. Employ forthwith whatever means are necessary to abate the spills and dumpings of wastes into storm drains and their subsequent discharge to surface waters.
3. Submit to the Board by 1 May 1990 a Technical Report on the old prison collection system that includes the following:
 - a. An evaluation of the state of the wastewater collection and conveyance system at the old prison.
 - b. A list of measures to be undertaken to correct any deficiencies in the wastewater collection and conveyance system.

I, WILLIAM H. CROOKS, Executive Officer, do hereby certify the foregoing is a full, true, and accurate copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region on 8 December 1989.

- c. A schedule for implementation of the measures.
4. Submit to the Board by 1 May 1990 a Technical Report on prevention of stoppages that includes the following:
 - a. A plan to eliminate the wastewater collection system stoppages at the correctional facility. At a minimum the plan should identify the causes of the stoppages, a range of options to prevent the stoppages and a recommended set of actions.
 - b. A plan to provide backup systems or diversion structures to prevent overflows of untreated wastewater from reaching the American River.
 - c. A schedule for implementation of the recommended actions of the plans specified in a. and b. above. At a minimum the schedule should include the implementation and completion (or on line) dates for major actions.
5. Submit to the Board by 1 July 1990 a Technical Report that includes the following:
 - a. An investigation of the storm water drainage system including its present state of repair, the location of all outfalls, the drainage area of all outfalls, information on all on-going discharges (flow and quality).
 - b. A management plan to eliminate the dumping and spills of wastes into the storm drainage system.
 - c. A schedule to implement the management plan.
6. In the event of a discharge of wastewater from the Discharger's sanitary collection system or the discharge of wastes from the Discharger's storm water collection system (excluding discharges of storm water), the Discharger shall notify the Board by telephone within 24 hours of having knowledge of such discharges, and shall confirm this notification in writing within 5 days. As a minimum, the written notification shall state the time, location, and type of waste, and the amount of waste or volume of wastewater discharged, and the volume of wastewater reaching surface waters, and shall describe measures being taken to prevent recurrence.

GROOMING STANDARDS

RELAXED STANDARDS VS. MILITARY-STYLE RULES

Some contend that failure to have stiffer military-style grooming standards for prisoners makes discipline and control more difficult, and allows appearance changes for escape purposes.

Inmates in California's prisons are permitted to wear their own clothing when not working or visiting and to some degree, to set their own grooming standards, hair styles, etc. Most inmates at Folsom buy and care for their own jeans and numerous other items--a fact which does save the state clothing and laundry costs.

The department points out that while there are hygienic requirements in Title 15, CCR 3062 but that there are no restrictions on hair length or style. While the CDC sees no evidence that military style grooming standards improve discipline in prisons or prevent escapes, Director Rowland says he would like to see improved standards for inmates in order to increase their employability on parole.

Committee staff observed that most prisoners at Old and New Folsom were neat and clean in appearance and were maintaining a good standard of grooming except for the hair length. There were probably 30 to 40 percent of the inmates who had long hair arranged in a neat pony tail.

Whether or not prisoners should have uniform haircuts

and standardized clothing is a matter of opinion and depends on particular philosophies of prison management. There is no evidence that uniformity controls prisoners. The CDC response points out the substantial reduction of escapes during the past decade, despite liberalized grooming standards.

The argument that good grooming prepares prisoners for success on parole has more validity. However, forced conformity does not change attitudes which are major determinants of parole success. Conformity should not be enforced simply to have prisoners all look alike since enforcement of unneeded standards increases the number of staff-inmate confrontations.

CONCLUSIONS/RECOMMENDATIONS:

Changing grooming standards is not an urgent issue since there is no evidence that relaxed standards are unsafe. The Department of Corrections should be encouraged in its efforts to prepare prisoners for successful employment upon release. If mainstream grooming standards can be shown to be useful in achieving this goal, they should be encouraged.

The Department should perhaps consider the feasibility of standardized white or orange clothing at one of its newer minimum security prisons when it opens, as is done in Texas. This could perhaps make concealment of weapons more difficult and make it harder for escapees to blend into the community while fleeing.

Such a pilot study might prove worthwhile.

Inmates in many county jails are required to wear bright jump suits, particularly when going outside secure facilities for court appearances. All prisoners in the state's Secured Housing Units C and D at the Pelican Bay State Prison are permitted to wear only bright, one-color jump suits as a security measure in this maximum facility institution.

INMATE PERSONAL PROPERTY ITEMS

ARE TVs, RADIOS, HOT POTS, CANNED GOODS JUSTIFIABLE FOR LEVEL IV INMATES? VALID MANAGEMENT TOOLS, PRISON SAYS

Are inmates allowed too much personal property, especially for a Level IV prison? Is this a security problem because cells take too long to search for contraband? Costs to the state accrue because inmate's file claims for lost or damaged property. And packing up an inmate's gear for a cell move or prison transfer can be time consuming, some staff contended. (See Exhibit A, end of section)

Inmates in all institutions are allowed six cubic feet of personal property plus a small TV set or a stereo radio. A small radio is allowed with the TV set. They are allowed to have a long list of toilet articles, personal clothing items, books, magazines, craft materials, etc. and at Folsom, hot pots. (All must be bought and repaired at the inmate's expense.)

COMMITTEE STAFF OBSERVATIONS

Committee staff observed substantial amounts of personal property in some cells, particularly in Old Folsom. It was apparent that some prisoners had more than the six cubic feet allowed. However, it was not possible to estimate how many in the prison might exceed the authorized amount. Most cells, particularly in New Folsom, appeared tidy and with modest amounts of property.

Point could be made, of course, that liberalized rules on how many appliances an inmate can have do add to the state's electricity costs and could pose some fire dangers, that stocks of food in cells can pose some hygienic problems and rodent and vermin infestation.

This is another issue that has been studied and discussed many times in the Department of Corrections, The present limit of 6 cubic feet plus an entertainment device was set as a compromise between what inmates wanted and what some employees wanted. The ability of the prison buses to transport property was a consideration as was cell searching.

STAFF ENFORCEMENT PIVOTAL

Employee reluctance to confiscate inmate property is one reason why some inmates have more than the allowable six cubic feet of property. This is a problem that diligent supervision of officers can solve without new policies. Officers often hesitate to enforce the property rules because it insures hassling with the inmates. The claims for damage for lost property are often the result of improper handling of property by staff. (Exhibit B)

Cell searches are conducted randomly on a monthly basis. Records indicate a total of 63,183 cell searches were conducted in 1989. This total does not reflect those searches made as a result of lockdowns/incidents or random searches for excess clothing/linen.

The allegations that prisoners live too well because of their property and package allowances is not supported by the facts of life in high security prisons. Television sets which are often cited as improper luxuries in a prison are the finest tension reducers ever brought into prison. In general, inmates who have personal property support the smooth running of the prison and are less apt to enter into destructive disturbances.

The Department of Corrections has not developed a uniform property or canteen list because the various prison differ their security requirements. Prisoners arriving at Folsom as the result of disciplinary infractions at lower security facilities lose property that was allowed at those facilities. This is a nuisance to staff and inmates alike, although not a major expense to the taxpayers.

CONCLUSIONS

The property issue is department wide, not uniquely a Folsom problem. There has been no showing that the allowable limit of property poses a hazard disproportionate to its value as an incentive to good behavior. Possession of property should be tied more directly to prisoner performance and behavior. However, there are legal and practical problems in making this linkage.

Enforcement of the property rules should be part of the Department's auditing and inspection program.

The policy issue remains, however: How comfortable should the life of an inmate be made, especially in a Level IV prison?

DECLARATIONDATE Aug. 26, 1989

I, Old corrections officer, Folsom, DECLARE THAT
 THE FOLLOWING FACTS AND INFORMATION ARE TRUE AND CORRECT TO THE
 BEST OF MY KNOWLEDGE, OR THAT I BELIEVE THEM TO BE TRUE;

I work on third watch 3:30 to 11:30 at night and one of my jobs is to help in transfer of inmate property when an inmate is "rolled up," that is moved from one cell to another.

The inmate is supposed to be limited to six cubic feet of personal property ~~and~~ including TVs, cassette players, guitars, hot pots, radios, etc.

Many of them have 3 to 4 large boxes of personal property. Often this includes shelves of food, such as canned goods and bottled items as well as food from the cafeteria

It is worth pointing out that with all the TVs and electric appliances inmates have, the STATE pays for the repairs of all these items, not the inmates, when they get broken or need fixed. This is apparently done by firms in the city of Folsom.

One guy who we were rolling up last night had a new pair of Converse athletic shoes, 1 of Nikes, one of Reeboks, better shoes, than I was wearing. Each of these pairs is worth \$40 to \$85 a pair

If item disappears from items he has listed on his property card, state can end up replacing it or adding it to his account.

We let them use hot pots even though we are feeding them three square meals a day,

During routine cell searches I have numerous times had to confiscate state food which had been stolen from the culinary department and then either sold or used for personal use to cook in their hot pots in ~~xxxxxx~~ their cells, the electricity for which the state has to pay for the electric bill. Once this food is confiscated it has to be discarded.

(Use additional sheets
if needed)

SIGNED _____

M-4

SACTO. Bee

9.24.89

Sacramento BEE Sept. 24, 1989

Prison pots boiling up trouble

Private property and penal regulations don't always mix

By Stephen Green
Bee Capitol Bureau

Each morning, as the first light of dawn streaks across the sky above Folsom Prison, hundreds of convicts crawl out of their bunks and flip on their electric cooking pots.

Some just want a cup of coffee before breakfast. But others aren't interested in prison food at all. They'd much rather cook beans, rice or stew purchased at the prison canteen. Still others have "care packages" from home with food items they can't get in prison.

As harmless as that seems, it's the focus of a growing debate in prison circles over just what property inmates — and especially Folsom's maximum-security prisoners — should have.

Interviews with correctional officers from four California prisons produced charges that reckless policies are giving too many prisoners access to items such as metal cans that are easily fashioned into weapons. Some of the more inventive cons use their cooking pots to melt Styrofoam and plastic. The residue is then hardened into

knives that can't be picked up by the prison's metal detectors.

Prison-made knives were used in both of the stabbings last Wednesday at Folsom, officials said. One was metal, the other plastic.

Still other items such as designer jeans, watches and running shoes are used to pay gambling debts or barter for drugs or are exchanged for sex, officers say.

In addition, they claim, costs are climbing to pay prisoners for lost items and for the countless hours correctional officers spend keeping track of the 6 cubic feet or more of property that most inmates are allowed. As the prison population balloons from the current 84,000 to a projected 134,000 in just five years, officers fear the record-keeping functions will make vast new demands on their time.

Numerous complaints about inmate property have been lodged with prison management over the years, according to Don Novey of the California Correctional Peace Officers Association. But little happens.

At the Department of Corrections headquarters in Sacramento, the official posture is that the property problems are minor.

"We don't allow the prisoners to cook in their cells," was the emphatic response from Arlene Solis, administrative assistant to the deputy director for institutions.

When told that the Folsom Prison canteen sells electric hot pots to inmates for \$14 each, Solis refused to believe it.

Folsom spokeswoman Cammy Voss acknowledged that cooking pots have been a problem. They've been banned from the new section of the prison and some prisoners and guards have been assaulted with scalding water, she said.

Inmates steal food from prison kitchens and swap it for cigarettes, said a Folsom officer who asked not to be identified. Those with money stock up at the prison canteen, where they can buy anything from tortillas to animal crackers. There also are some 40 cosmetic items for sale.

"You see cases of pop in their cells they use for bartering," said an officer from Mule Creek State Prison. "That's how people get hurt, because they'll get in debt to somebody who's got a supply of food or drugs or something. They can't pay, they get beaten up."

When it comes to clothes, inmates "want the best," said an officer from Vacaville. "You see 'em in fancy L.A. Gear (running) shoes and Calvin Klein jeans. Hell, I can't afford that. But they've got it and they're pimping with it."

Solis insisted, however, that such problems "are not seen as anything that presents a threat to the security of the institution. They can make a weapon out of anything — your daily newspaper. We can't limit things so severely that we eliminate all those possibilities."

Each time an inmate is moved from one institution to another or leaves his cell for a few days, an officer must inventory all his property, box it up, seal it and tape a list of the contents to the boxes. There are nearly 100,000 moves between prisons yearly, plus thousands more for inmates who leave for a time to go to court or the infirmary or to be segregated for disciplinary reasons.

If the inmate gets his property back and finds something missing or stolen, he files a claim. That sets off a paper trail that can last for weeks and may even involve sending a special auditor to the prison from Sacramento. Claims can be filed over a missing can of olives or an athletic supporter.

"Let's face it," said Jack Reagan, who heads the Department of Corrections' appeals branch, "prisoners don't have a lot. The majority of the issues aren't gold. It's noodles and newspapers. But it's important to them."

No one keeps track of how much the state spends to pay claims. Folsom, which is just one of 19 prisons, spent \$252 in the last fiscal year. Statewide, corrections officials estimate that more than 6,900 claims were filed in the past year. An analysis of those on record during the spring quarter showed 67 percent of the inmates eventually got cash for all or part of their claims.

One who deals with the problems every day is Folsom Lt. Benjamin Curry, who has a job few of his colleagues want.

Curry runs the receiving-and-release operation, the only portal in the new prison section where inmates and their property come and go. His 12-officer staff also searches gift boxes mailed from the outside. Handling property is the biggest part of their duties in a section where personnel costs will average \$508,000 this year.

Belongings of a typical Folsom inmate

State prison officers contend that inmates have access to too much personal property that can be used for making weapons or bartered for illegal gain. In a system where nearly 100,000 inmates per year move from one prison to another, keeping track of personal property also is an growing drain on prison manpower. The following is an inventory of belongings of a typical Folsom inmate. It does not include prison-issued clothing.

1 photo album	1 shoe brush
Misc. papers and books	2 cans shoe polish
1 extension cord	1 false teeth cleaner
1 TV set	1 denture fastener
2 headphones	1 mouthwash
1 AM-FM radio	5 cans hair dressing
2 batteries	2 hair conditioners
1 pair, sunglasses	1 can hair spray
1 can opener	1 container ointment
1 tumbler	7 bars soap
6 boxes cereal	2 containers skin cream
2 boxes crackers	1 tube lip balm
1 bag cup of soup	1 jar vitamins
18 cans misc. food	3 bottles shampoo
1 bag coffee	2 bottles body lotion
1 bag sugar	3 containers aftershave
2 bags nuts	1 bottle coconut oil
5 beef jerky	1 bottle baby powder
9 pkg. noodles	1 bottle foot powder
1 jar peanut butter	2 soap dishes
1 jar jelly	1 pair thermal pants
2 jars hot sauce	3 T-shirts
1 jar soy sauce	2 boxer shorts
1 sack rice	2 pair jeans
1 jar dried onions	3 pair socks
3 boxes cigars	1 pair sneakers
1 deodorant	1 belt
1 box detergent	

Source: California State Prison, Folsom

"This is a headache, but we take it very seriously," Curry sighed. "We've got a lot of inmates who simply want to make work for us. It's sport to jam us with paper work."

Some 7,800 inmates and their property pass through Curry's warehouse each year. Rules vary from prison to prison, but in Folsom's new section, most of the 2,880 inmates are allowed to receive four 30-pound gift boxes per year. The prison gives the sender a list of allowable items, but each box must be X-rayed and then checked for contraband.

"Sometimes there's a bag of 10 pairs of socks, but they're only allowed three," Curry explained. "Once in a while we find drugs. . . . Once there were .22 cartridges in a sardine can. You have to look for things with gang colors. They'll send a pair of tennis shoes, but put in red shoelaces — gang colors. We take those."

The inmates have a choice with anything seized. Officers will repackage it and ship it back at the prisoner's expense, donate it to charity or destroy it.

One inmate recently received two photo albums — one with family pictures and another with magazine photos of nude women. Only one album is allowed and the inmate refused to pay to have the nude photos returned. It was junked, and now the inmate has a \$200 claim working its way through the system.

Memorandum

Date: September 14, 1989

EXHIBIT B

ALL UNIT I STAFF AND INMATES

"excessive materials
in cells"

From: Program Administrator, Program Unit #I

Subject: UNIT #I CELLS

In January, 1989, the Fire Department conducted an inspection of every cell in Housing Unit #I. The majority of the cells were not in compliance with the Fire Department's safety standards due to the following deficiencies:

- 1) Unauthorized or exposed electrical wiring.
- 2) Unauthorized electrical outlets.
- 3) Illegal use/possession of inmate-manufactured electrical devices.
- 4) Excessive amount of property.
- 5) Lights covered with paper or cloth.
- 6) Excessive amount of cardboard boxes.
- 7) Unauthorized furniture and/or shelving.
- 8) Unauthorized extension cords.
- 9) Excessive amount of pictures and paper decorations on the walls.
- 10) Bars covered with paper and plastic.
- 11) Excessive accumulation of magazines, books, and newspapers.

The Maintenance Department is in the process of correcting the electrical problems outlined in the Fire Chief's report. The other fire hazards must also be corrected. The following guidelines shall be adhered to by inmates and enforced by staff:

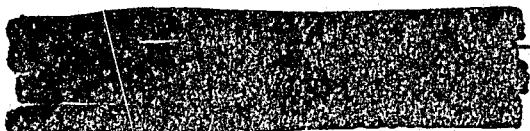
- 1) Each cell occupant may only possess up to a combined volume of six (6) cubic feet of approved items of personal property. NOTE: Included in this 6 cubic feet are magazines, newspapers, toilet articles, canteen items, etc. Personal property items also include State-issued property.

UPHOLD ANTI STATE EXPENSE

- 9) In order for an inmate to conceal the contents of his locker, he may cover the locker opening with a plain cloth. The covering shall not have any pictures and/or graffiti written on it.

In order to minimize the impact on unit programming, inmates will be given until October 6, 1989 to bring their cells into compliance with these housing unit requirements. At that time, staff will conduct an inspection/search of every cell in the unit to ensure compliance.

These housing unit standards will remain in effect until further notice.



Program Housing Unit #I

GRS:gd

cc: Warden Borg
CDW White
Associate Warden-Classification
Associate Warden-Business Services
Associate Warden-Operations
Fire Chief

EXPENSE

PLANT, PREVENTIVE MAINTENANCE

PRISON DEFENDED INMATE/PAID STAFF MIX: DEFERRED MAINTENANCE ADEQUATE?

Complainants state that there are more paid employees in Plant Operations at Folsom than are needed because inmates do all the work, or could be used in much greater number.

Staffing of Plant Operations consists of 102 paid positions, of which 75 are tradespeople with special skills, 10 are assigned to the boiler and water filtration plants, and the remainder are supervisors, clerical and warehouse staff. Some 300 employees maintain 1,910,000 square feet of buildings, some of which date to the late 19th century.

This amounts to more than 1,000 work orders received each month, with 85% to 90% completed during the same month. A backlog builds up due to lack of staff time or time awaiting materials or authorization.

USING INMATES HAS PROBLEMS

Prison maintenance work is unique because of the security requirements which make jobs take longer than they would in the free world, and because of the need to supervise inmate workers, sometimes just 3 to 5 per employee. Inmates are also restricted by their classification status and units in which they live, as to where they can perform maintenance duties. They cannot use certain tools. Prison staff supervising specific areas sometimes feel that maintenance is not moving fast enough to correct conditions in their unit.

On the other hand, maintenance staff sometimes feel that custodial staff are too slow in clearing inmate workers into job sites.

PREVENTIVE MAINTENANCE

Prison maintenance budgets are often cut when the administration wants to reduce the annual budget, deferrable maintenance items being frequently eliminated. Eventually the system comes to a crisis when substantial amounts must be spent to make up for years of neglect. Budget manipulations make it very difficult for the Department of Corrections to formulate a reasonable preventative maintenance program. The Legislative Analyst commented on this the 1986-87 Annual Budget (page 1032). Committee staff saw a preventative maintenance plan in process in accordance with the Legislative Analysts recommendations. Legislative Analysts staff say that in the near future there will be another review of the Department of Corrections preventative maintenance plans.

RECOMMENDATIONS

- o The Department of Corrections should be encouraged to continue development of good maintenance plans and receive Legislative support of these efforts. The allegations of excessive staff or too little use of inmates cannot be supported by the facts in evidence.
- o The State Legislature, utilizing the services of the Auditor General and the Legislative Analyst, should examine the deferred maintenance and preventive maintenance performance of the Department of Corrections during the coming fiscal year, to make certain that the state's dozen new and planned prisons will be adequately maintained in coming years.

The same examinations should be undertaken at older prisons. Provisions in prison bond issues, the 1990 prison bond issues, for instance, permit such funds to be utilized for deferred maintenance. The question is: Is enough funding being used for such purposes in accord with accepted public and private sector standards?

The Legislature needs to find out.

PRISONER VISITOR RIGHTS

STIFF RULES APPLY BUT VISITING KNOWN TO BE MAJOR DRUG SOURCE IN GENERALLY UNRESTRICTED VISITING

Complainants expressed three main concerns about visiting: (1) Inmates receive too many visits, some apparently having daily visits and (2) open contact visits are a major contraband route, particularly for narcotics, and (3) the program is costly.

Cost of the Folsom Visiting Program: The CDC response states that 33.52 positions are required at Old and New Folsom, for a yearly cost of \$1,488,318, including staff benefits, to process 87,000 visitors at a cost of \$213 per inmate per year.

FREQUENCY OF VISITS

If every inmate received regular visits, the 87,000 visits per year would translate to about 1 visit per month per inmate. However, some prisoners get no visits and others could visit every hour the visiting room is open. There are many controls on visiting, approval of visitors and conduct of visits. Rules state that a prisoner may not visit during working hours unless he gets ETO (Excused Time Off). This is

supposed to be granted only in certain exceptional circumstances. One of the unfair consequences of guidelines regulating visiting is that good full-time workers may have less satisfactory visiting hours than part time workers or those without jobs.

Custodial staff have always held that open visiting is a major source of narcotics. Prisoners, say that staff is a major source of contraband. Both are probably right. Inmates convicted of rule infractions involving narcotics are restricted to non-contact visits. There are specified procedures to reduce the risk of contraband introduction of all kinds by visitors. One of the continuing complaints by inmates advocate groups is that visitors are unnecessarily subject to humiliating strip searches and body cavity searches in the prison's efforts to control narcotic trafficking. But surprise checks of incoming visitors' cars by prison staff usually turn up a high percentage of drugs.

There is no doubt that restricting the number of visits and resorting to non-contact visits would save money and have an unknown impact on narcotics in the prison. However, visiting is the most important method of keeping prisoners in touch with the real world that most of them will face on parole. The importance of visiting has been recognized and guaranteed by the Legislature and the courts.

However, the Department recently introduced legislation (AB 3572) which will enable institutions to better control the introduction of illegal drugs and/or controlled substances on prison grounds. This bill authorizes institutions to request unclothed, visual body searches of visitors when there is "reasonable suspicion." If the person does not consent to the search, institutions may impose restrictions or bar visitors from all facilities for a period of up to six months.

Bills have also been introduced this session to stiffen penalties and impose prison sentences on any prison employee or visitor who brings drugs into a jail or prison facility in California.

VISITING, COURTS, LAW

Visiting is a department-wide policy issue and the question to ask is "Are the benefits worth the cost and the risk?" There is some evidence that prisoners who receive more visits do better on parole. Significant alterations in

the visiting program would require changes in Title 15, possibly in legislation, and certainly will demand the concurrence of the courts.

Department of Corrections administrators agree that visiting should be tied to work performance and behavior so that the best workers get the best visits.

Why not have only non-contact visits in Level IV prisons as is the case for most county jails? County jail inmates are short-term prisoners, serving fairly short sentences or undergoing the trial process. There is a foreseeable end to their conditions of confinement whereas many state prisoners at Folsom face many years of incarceration, and restrictions of visiting have a major morale impact. (However, the average length of stay in the prison system is now 3-6 months, because of the huge influx of parole violators returned for short periods.) The CDC uses non-contact visits when inmates behavior warrants such treatment rather than punishing all inmates for the offenses of a few.

Open visiting has been the practice of no less than 50 years in the Department of Corrections. While there have been violent incidents and smuggling of contraband attributable to visiting during this time, total elimination of visiting would not eliminate violence or contraband. A significant but unanswerable question is how much violence has the visiting program prevented? Many inmates behave because they want to protect their visiting privileges. In some instances, staff failure to follow established procedures or to perform adequate searches has allowed serious incidents to develop.

SAFETY LIMITS BUT NOT OTHERS

The California Penal Code, Section 6350(a) states that maintaining an inmate's family and community relationships is an effective correctional technique. The right to have visits is also established in Penal Code Sections 2600 and 2601, and the courts "have repeatedly restricted the department's latitude in reducing visiting unless in individual cases where safety or security issues are cited, and the institution must demonstrate just cause," according to Folsom officials.

Thus reducing visiting would seem to be possible as a safety measure but probably not as a way of making prison life harder or saving staff time.

CONCLUSIONS AND RECOMMENDATIONS

Despite some serious incidents, the visiting program has worked well over the years and is implanted in law as an important part of a good prison program. However, this does not mean it should go unexamined.

- o The Department of Corrections should set up a monitoring program so that it will know the number and kind of incidents occurring in the visiting program. Judgments can then be made as to the levels of risk involved. Areas requiring more security or better procedures can be identified.
- o Because of very high rate of parole revocation today, due chiefly to high percentage of drug use among parolees, the average length of stay in a state prison is 3 to 6 months. Because most of the parole violators are drug users, and because they are the most likely inmates to want drugs brought in to them by visitors, the Department should re-examine its wide open, contact visit policy for short-term parole violators known to be drug users, perhaps limiting these to non-contact visits.
- o More consideration should be given by CDC to quick expansion of use of drug-sniffing dogs, already successfully in use at 4 prisons. This requires at least one officer and dog per institution, but could put both staff and visitors on notice that drug importation will not be tolerated. Both Assemblymen Dick Floyd and Curtis Tucker have bills in this area, and CCPOA has indicated general support.
- o Prison sentences should be imposed on department staff and tougher penalties, including revoking of visiting privileges, to visitors caught bringing in drugs. This is being proposed in legislation by Senator Presley.

Seriousness of the drug importation and sale problems within the prison system is borne out by recent figures compiled by the Attorney General's Office at the request of the Joint Prisons Committee. See Exhibit A, next page.

DRUG CONVICTIONS, CALIFORNIA STATE PRISONS

1986, 1987, 1988

(Figures compiled by the Attorney General's Office)

According to Attorney General's statistics, during 1986, 1987, and 1988, the following number of persons were convicted for bringing drugs into correctional facilities. The A.G.'s office indicates these figures are very much under-reported, and these figures equal about 60% of the actual cases.

CONVICTIONS UNDER CURRENT LAW:

P.C. 4573 (BRINGING OR SENDING DRUGS INTO INSTITUTION):

<u>1986</u>	<u>1987</u>	<u>1988</u>	
110	99	77	(Primarily staff, visitors)

P.C. 4573.5 (WHO KNOWINGLY BRINGS INTO INSTITUTION):

<u>1986</u>	<u>1987</u>	<u>1988</u>	
165	156	117	(Primarily staff, visitors)

P.C. 4573.6 (POSSESSION):

<u>1986</u>	<u>1987</u>	<u>1988</u>	
1,592	1,699	1,560	(Inmates, staff, visitors)

Division of Law Enforcement of Attorney General's Office indicates that the higher the penalty for a crime the greater effort is made to prosecute.

INMATES MAIL RULES

FOUR 30-LB. PACKAGES FROM HOME A YEAR DEFENDED BY FOLSOM AS VALID PRISON TOOL

Committee staff heard some complaints that Folsom Level IV inmates get too many packages which cost too much in staff time to process, pose a method for drugs and other contraband to get into the prison and that the state must pay for items that are lost. The complainants contend that the cost of the packages is an unnecessary burden on inmate families.

Inmates in all Department of Corrections institutions, not just Folsom, can receive four packages a year from home or relatives. Each package can weigh 30 lbs. These packages can contain food and personal grooming items as authorized by regulations. The packages are a privilege granted in Title 15, Section 3044, for inmates who show a good work and behavior record. Packages have been allowed in the CDC for at least 30 years starting at one, now up to four, but Folsom authorized them more recently, being the last prison to do so.

This privilege is viewed by prison management as vital in the reinforcement of positive work ethic/behavior. The Department, however, is reviewing the quarterly package issue as one of the recommendations made by the "Structured Prison Environment" Task Force Report to further enhance disincentives for negative behavior.

COSTS TO THE STATE

The CDC response states that processing the four packages costs Old Folsom 1.61 staff positions and the same at New Folsom per year. There is a temporary increase to 4

to 5 staff positions at Christmas time. The CDC response states that these positions cost \$140,000 per year or about \$20 per inmate annually.

In other, letter-type mail, Folsom receives 12 to 28 feet of mail per day, with one hour of staff time required to process and search each foot of mail, according to Folsom Warden Robert Borg's testimony before the Joint Legislative Prisons Committee in January, 1990, on Folsom internal policies and practices. Packages are also supposed to be searched.

The Folsom critics allege that \$5,252 in claims for lost or destroyed packages were paid last year at Folsom. The CDC states that the amount was \$259 at Folsom last year. The larger figure may include claims for lost property other than the quarterly packages. Property destroyed in cell searches are also subject to claims.

SECURITY CONSIDERATIONS

The packages are searched so that weapons or large amounts of contraband are unlikely to come into the prison via this route. Probably some controlled substances have been introduced in packages. However, most of the staff interviewed did not seem to think packages were a serious security hazard.

The package debate began when the first inmate was authorized the first package many years ago. One side has always maintained that the packages were a security hazard, a burden on the families, and made prison life too easy. A middle ground was that benefits of items from home or relatives should be allowed instead through increased canteen allowance at holidays or other special times of the year. The supporters of packages see them as incentives to good behavior and less violent atmosphere and a way of easing the basic discomfort and unnatural environment of prisons. The present complainants have offered nothing new to this debate.

The cost of the package program must be weighed against the benefits of the packages in contributing to an orderly prison environment. The benefits would be greater if packages could be tied more directly to good work performance.

It is true that packages demanded by prisoners are often a burden on those families who cannot say no to these requests. Families also provide much of the money spent at the inmate canteens so that banning packages would not

necessarily ease their financial burden.

Limiting packages would be difficult. If packages were reduced in number, inmates would have their packages sent to an inmate who gets few or no packages and thus the cut-back would be hard to manage. Complete elimination of packages would solve this problem. However, sudden elimination can have serious consequences. The package programs began partly because of disturbances among inmates during the Christmas holiday season years ago.

CONCLUSIONS AND RECOMMENDATIONS

Whether or not packages are useful in prison management is a matter of opinion. The cost does not appear to be excessive if they really act as an incentive and a means of reducing inmate discontent. The complaint that packages make life too easy for Level IV prisoners is a subjective evaluation.

The basic question is whether or not the problems of packages outweigh the benefits. Neither the opinions of correctional officers nor of administrators shed light on this question. The CDC should monitor the package program so that the effects in terms of cost and security problems can be evaluated on an on-going basis. This can be part of the present auditing program.

The package question is one of the policy issues that also includes grooming standards, use of the telephone by inmates, personal property which inmates may have in their cells: how much is too much in a prison environment?

These are issues now which are basically decided by Corrections, by court decisions and only indirectly by the Legislature.

FOLSOM SPORTS, RECREATION:

WEIGHT LIFTING: DANGER OR A TENSION EASER? \$16,000 FOR BALLS, \$14,000 FOR INSTRUMENTS?

Almost every prison now has its "weight pile," an exercise yard which features primarily weight lifting for prisoners.. With lots of time on their hands, inmates can build muscles until they can resemble "Hulk" Hogan.

More important is the question of whether such weight building results in inmates and parolees who pose a danger to corrections officers, police and sheriff's deputies in communities and to citizens, because of their great strength.

Weight lifting is probably the most popular sport or body building activity at the prisons, even though the weight piles do contain heavy metal that at times has been used as assault weapons in inmate fights.

Indicative of the extent that weight lifting occupies in the scale of inmate body building activities is the fact that Folsom spent almost \$60,000 over the past 18 months for weight lifting equipment; bars, dumbbells, benches, etc.

It was the largest single portion of the prison's \$82,662 1988-89 budget for sports and recreation equipment, a budget that also included such items as \$16,771 for balls of various types; \$15,000 for musical instruments and a keyboard; \$16,000 for boxing gear and equipment, \$1,565 for shorts, \$705 for cue tips and \$3,000 for batteries.

Some staff members contend that in addition to building

violent inmates' strength up to dangerous proportions, weight lifting also results in hernias and detached retinas, and that taxpayers must then pay for prisoners' medical bills.

They also contend that inmates needlessly destroy or fail to care for athletic equipment, resulting in the need for costly replacement.

The department holds that utilization of recreational resources is one of the best management tools in a prison administrator's inventory. Channeling aggression through organized sports activities is well known to avert much aggression and reduce tensions among inmates that otherwise would be expressed in more violent ways toward other inmates and staff.

The department also defends the three paid coaches at Folsom for almost 7,000 inmates as a not unreasonable expense.

As to popularity of the weight pile and muscle building, a representative of CCPOA indicated that it hears relatively few complaints from its members about dangers posed by the muscle builders. "Our members indicate the guys who work out on the weights tend not to be troublesome. They want to take care of their bodies, this helps keep them out of gangs and drugs and as a result, they are not generally trouble makers--though of course there are exceptions."

One corrections captain said the size of the muscle builders is not normally an enforcement problem "because if we have to take a guy down, we would not approach him one-on-one but would call several officers in to help."

A spokesman for local law enforcement agencies in Sacramento said, however, that police officers and sheriff's deputies often complain about the huge muscles that inmates are permitted to develop in prison, and question why inmates are not directed into other recreational activities.

On the other side is the contention that weight lifting burns up energy that inmates then don't have to attack one another, and that it also helps prisoners reduce tensions.

It is also a recreational activity that takes up little space, compared to land needed for a baseball field or soccer field or other field games.

All in all, indications are that the problems weight lifting brings, and the problems it helps solve, probably make the pros and cons a "wash."

A more detailed examination of the \$82,682 Folsom sports and recreation equipment budget for '88-89 shows these items (Exhibit A end of this section, for more details).

FOLSOM PRISON SPORTS/RECREATION BUDGET 1988-89

\$16,671	various types of balls--basketballs, footballs, racquetballs (for handball only) plus three rowing machines and tension bicycles
2,500	for three large-screen TV sets and a VCR
3,000	batteries of all types including videoing of boxing matches and sporting events to show on television throughout the prison, plus drink dispensers
58,034	weight lifting equipment including bars and benches and \$8,965 for 88 pairs dumbbells
1,565	for pairs of shorts
705	for pool cue tips and pool equipment
1,141	for softballs
14,000	musical instruments, sheet music, tapes and \$2,500 for two electronic keyboards
3,304	games of all sorts, chess, checkers, etc.
1,509	belts
1,300	for tape, primarily for boxers
16,204	for boxing equipment, including \$2,363 for cup protectors, \$2,470 for safety guards, \$2,450 for an outside ring cover, \$5,500 for gloves, \$3,400 for headgear

The above breakdown is considered a normal sports/athletic budget for Folsom for a fiscal year. Money comes from the General Fund, not from the Inmate Welfare Fund. High number of balls that must be purchased each year is in part due to the destruction of balls hitting barbed wire or concertina wire atop the yard and recreation areas, Folsom officials state.

Generally, only inmates who are working or willing to work and who are not disciplinary cases are permitted to take part in athletics or musical events--Folsom has five bands with instruments being furnished by the prison, though some are also donated. Athletic events are often scheduled with outside teams such as those from churches, military bases, but none are permitted with teams from other prisons.

Ironic is the fact that the state can still provide musical instruments and organize bands in prisons, especially for maximum security inmates such as those at Folsom while almost all the school districts in California can no longer afford to provide instruments for students, and in fact, many districts can no longer afford to offer band or orchestra.

FOLSOM SPORTS, RECREATION BUDGET '88=89

RECREATION OPERATING BUDGET

FI 88-89

5240 001 001.

SPU/SRR

SPU/SRR	DATE	DESCRIPTION	VENDOR	AMOUNT
D83-0296	07/21/89	MEMBERSHIP	AMATEUR BOXING FEDERATION	\$155.00
08/02/89		SOCKS	ASSOCIATED SUPPLY CO.	\$522.28
10/05/89		BALLS	ATHLETIC SUPPLY OF CA	\$2,125.90
08/09/89		BALLS	BSN	\$1,996.50
07/17/89		TAPE	CENTRAL VALLEY ATHLETIC	\$658.05
7/17/89		TAPE	CENTRAL VALLEY ATHLETIC	\$650.05
07/21/89		TELEVISION	CIRCUIT CITY	\$1,810.88
089-0747	09/13/89	EYEGUARDS	CVC	\$84.67
089-0747	09/13/89	EYEGUARDS	CVC SPORTING	\$84.67
D89-0649	08/31/89	CAPS	CVC SPORTING GOODS	\$161.03
D89-0673	08/31/89	POOL COVER	DEAN BROWN	\$419.50
10/10/89		BALLS	DOHERTY AND DUNNE INC.	\$2,597.54
10/05/89		BALLS	FAR WESTERN MERCANTILE CO.	\$7,745.02
08/02/89		VCR	FILCO	\$702.90
08/03/89		HORNS	FLAGHOUSE	\$536.76
08/09/89		BELTS	FLAGHOUSE	\$1,509.75
08/09/89		STOPWATCHES	GSC	\$569.00
07/26/89		BASSES	JACK'S HOUSE OF MUSIC	\$1,683.50
07/20/89		FLUTE	JACK'S HOUSE OF MUSIC	\$2,499.99
09/12/89	09/00/89	SHEET MUSIC	JACK'S HOUSE OF MUSIC	\$271.54
08/16/89		BARS, BENCHES	JAY O' DAY	\$48,139.06
08/02/89		RACQUETBALLS	JAY O' DAY	\$2,300.40
08/02/89		BACKSTOP	JAY O' DAY	\$846.68
07/17/89		GAMES	JAY O' DAY	\$3,304.00
08/23/89		CUP PROTECTORS	LOCKWOOD INDUSTRIES	\$2,363.80
08/02/89		BATTERIES	MATERIAL SERVICES	\$3,006.17
07/01/89		SAX	NORTHRIDGE MUSIC CENTER	\$2,500.00
08/02/89		REPAIRS	NORTHRIDGE MUSIC CO.	
08/23/89		SAFETY GUARDS	RINGSIDE PRODUCTS	\$2,471.50
10/05/89		RING COVER	RINGSIDE PRODUCTS	\$2,428.20
D89-0972	10/16/89	BATS	SAN LUIS ATHLETIC SUPPLY	\$293.73
08/20/89		KEYBOARD	SKIP'S HOUSE OF MUSIC	\$2,499.56
08/02/89		SHORTS	W. A. GOODMAN & SONS	\$1,565.55
D89-1033	10/19/89	CUE TIPS	WICO-THE SOURCE	\$705.71
SPO/SRR	DATE	DESCRIPTION	VENDOR	VJS
TOTAL				\$82,662.74

10/24/89	Gloves	Max West Sporting Goods	784.14
8/31/89	Lat Machines	Jay O Day	3,834.00
9/13/89	Gloves	Lockwood Industries	4,707.50
9/00/89	Musical Inst.	Combined to downtown	8,676.00
10/14/89	Softballs	Athletic Supply of Ca	1,141.84

SUMMARY OF FINDINGS AND RECOMMENDATIONS

1. Top priority should be given by the Department of Corrections to a major acceleration in departmental drug education and training programs for staff and inmates, drug detection programs, and a variety of intensive drug rehabilitation and substance abuse programs for inmates and parolees. Programs now exist for only about 2,000 of the system's 90,000 inmates and 50,000 parolees, and the department's first major new program, for 200 inmates, won't start until August. (See Sections A, I and O)

2. Numerous approaches should be strongly considered to reduce the importation of drugs into the prison system, including:
 - o tighter visitor regulations and restricted phone use for known drug dealers and heavy drug users
 - o non-contact visits for known drug users returned to prison as parole violators with dirty drug tests or records as drug sellers
 - o expansion of use of drug-sniffing dogs to detect illegal substances on the person of inmates, guards and visitors when cause exists (successful program now operates at four prisons.)
 - o tougher penalties including prison sentences for anyone bringing drugs into a state prison(See Sections A, I and O).

3. Professionally designed random sampling of inmate telephone calls should be instituted to determine the extent and dangers of crimes, drug dealing and threats made by prisoners through almost unlimited availability which inmates have to make collect calls. Improvements should be made to step up present controls over such dangers in the interest of public safety. (See Section A)

4. Anonymous sampling of the family recipients of inmate telephone calls should be considered to determine whether unrestricted collect calls impose a hardship on any significant number of the recipients of such calls. Possible corrective actions should be devised for families suffering hardships or unwanted calls.
5. Though the system apparently works well, the department should make both internal critical evaluations and retain outside contract examination of the unit management/program administrator system of prison management now used throughout the 20 prisons, to determine whether any changes or fine tuning are warranted. (See Section F)
6. To reduce waste and materials destruction which does exist, the department should set up accelerated inventory control, salvage and waste reduction programs at each prison. It could utilize steps from the system now being set up at Folsom and should include proposals outlined in the 1989 department-initiated waste study at Susanville. Results should be critiqued in a year by the Auditor General or Legislative Analyst in such areas as (1) tool and equipment control (2) recycling efforts (3) formation of prison waste management committees (4) regular searching of waste bins to salvage materials and equipment. (See Sections D, G and H)
7. The department should work with local health and charity officials in prison communities, such as Folsom, to determine whether large amounts of unused or discarded food could be provided to the needy and homeless without endangering health or public safety. A department-initiated study at the California Correctional Center, Susanville, concluded \$176,000 in food waste per year in that one prison alone (See Section H).
8. The department should consider use of bright-colored jump suits as prison garb for inmates in one of its newer minimum security prisons when it opens, to make it more difficult for escapees to blend into a surrounding community. (See Section L)

9. The Legislative Analyst should examine the quality of deferred maintenance in all state prisons and report to the Legislature on adequacy of current efforts, possible future costs if such maintenance does not live up to accepted standards, as well as corrective actions needed. (See Section N)

10. The department should consider conducting a system-wide study of the dangers of "pruno," or inmate made wine, to determine the level of discipline problems being caused, and whether steps should be taken--such as limiting availability of sugar and other ingredients in inmate cells--to reduce dangers to inmates and staff. (See Section E)

11. To cut clothing, linen and blanket loss and destruction which the department's own studies at Folsom and elsewhere show amounts to thousands of dollars per month in sampled prisons, the department should institute tighter laundry and clothing exchange controls, more stringent searches of waste bins and consider incentives and rewards for inmate and staff excelling in such efforts. (See Section G)

12. In conjunction with the courts, the department should consider setting up a mediation service on a pilot basis in an attempt to resolve certain types of inmate legal actions, both as a means of saving money and reducing court calendar overcrowding. An estimated 60-to-100 attorneys and staff now deal with inmate-initiated legal actions which, with death penalty litigation, costs almost \$100 million per year to state and local governments. (See Section J)

13. Studies should be done and comparisons made on the variations among prisons as to per capita usage of water and electricity, and whether sufficient reasons exist for the sometimes large variations, and whether high usage per inmate can be reduced in prisons where they are found. (See Section C)

14. The department should consider whether negotiating its own

contracts in the future with telephone vendors would lead to greater commissions and return on inmate phone calls, whether these funds should be returned to the department and not the General Fund, and what uses should be made of such monies. A new state contract soon to be signed should double the state's commissions to 25-30%, on inmate-generated phone calls. (See Section B)