

LAW AND JUSTICE COMMITTEE



Georgina Atchison Rose M.T. Mankoff Terry Christensen Ken Cooper
Chairperson

MISSION STATEMENT

The California Penal Code is the foundation for the Grand Jury. The Law and Justice Committee within the Grand Jury, pursuant to Penal Code §919(b) is charged with the oversight of all law enforcement agencies and custody facilities in Kern County. The Law and Justice Committee also reviews and takes action, as necessary, on citizen's complaints related to these agencies.

LAW AND JUSTICE COMMITTEE

SUMMARY OF ACTIVITIES

Reports Written And Published:

- McFarland Female Community Re-Entry Facility
- California City Correctional Facility
- Wasco State Prison
- Kern Valley State Prison (*website only*)

Committee Activities

- North Kern State Prison
- Delano Modified Community Correctional Facility
- Golden State Medium Community Correctional Facility
- Taft Modified Community Correctional Facility
- Kern County Sheriff's Office Central Receiving
- Kern County Emergency Operations Center
- Kern County Crime Lab
- Kern County Superior Court- Judge David Wolf video arraignments in Delano
- Kern County Home and Garden Show participated
- California Grand Jury Association Training, Visalia
- California Grand Jury Association Report Writing Workshop
- Kern County Board of Supervisor Meetings
- Kern County Grand Jury Awareness Month Participation
- Kern County District Attorney Department Indictments Hearing
- Kern County Sheriff Department's Evidence Locker
- California Correctional Institution (CCI-Tehachapi)
- California City Correctional Facility
- McFarland Female Community Re-Entry Facility
- Central Valley Modified Community Correctional Facility
- Shafter Modified Community Correctional Facility
- Wasco State Prison-Reception Center
- Kern Valley State Prison

Complaints:

- Complaints processed - 7

* Due to COVID-19 and pursuant to California Penal Code section 919(b), Law and Justice was unable to physically inquire into all of the mandated prisons, however pre-questions were sent and answered.

CALIFORNIA CITY CORRECTIONAL FACILITY

California Department of Corrections and Rehabilitation

SUMMARY:

The Law and Justice Committee (Committee) of the 2019-2020 Kern County Grand Jury (Grand Jury) made inquiry into the California City Correctional Facility (CAC) as annually mandated. Addressed in this report are concerns regarding the inability of CAC to provide General Education Diploma (GED) testing since July 1, 2019, due to the lack of qualified personnel and the ongoing need for additional classrooms to meet inmate's needs. Additionally, there is a need to educate inmates regarding the proper disposal of condoms.

PURPOSE OF INQUIRY:

Pursuant to California Penal Code section 919(b), the Grand Jury "shall inquire into the condition and management of the public prisons within the county."

In addition to inquiry into the general conditions of the prisons, the Grand Jury seeks to address, not only inmate conditions, but also the conditions affecting the health and welfare of staff. The Grand Jury also followed-up on recommendations made to CAC in the 2018-2019 Kern County Grand Jury report.

METHODOLOGY:

On October 10, 2019, the Committee toured CAC at California City. Prior to this visit, the Committee reviewed the California Department of Corrections and Rehabilitation (CDCR) website, California Code of Regulations Title 15, the Office of the Inspector General report of 2018 and prior Kern County Grand Jury reports related to this facility. A list of questions were sent to CAC and responses were received prior to the visit.

On the inspection date, the Committee met with the Executive staff, and various Correctional Officers. The Committee also had impromptu discussions with inmates in their housing units and classrooms.

DISCUSSION OF FACTS:

California City Correctional Facility is located at 22844 Virginia Boulevard, California City, CA 93505. Built in 1999 by Corrections Corporation of America (CCA), the California City Correctional Facility Prison was initially utilized as a Federal prison to house Immigration and Customs Enforcement inmates. On October 28, 2016, CCA was rebranded as CoreCivic. Owned by CoreCivic, the facility was first leased by

CDCR in October of 2013; the lease has been extended to 2020. The “monthly lease base rent” is \$2,375,310. CoreCivic provides 24/7 maintenance and upkeep with a staff of on-site technicians and tradesmen. CAC is staffed and operated under the authority of the CDCR. CAC has a capacity of 2,550 beds. On October 4, 2019, the inmate population was 2,385.

The total annual budget for the fiscal year 2019-2020 is \$79,258,493:

General Security	\$57,022,677
Inmate Support	\$15,250,167
Administration	\$4,748,681
Education	\$2,036,905
Substance Abuse Program	\$86,941
Community Resources	\$113,122

The facility received its first CDCR inmate in December 2013. CAC is a Level II (medium level), all male, non-psychiatric, general population prison facility. CAC does not house transgender inmates. The facility consists of three separate housing units A, B, and C. All units are located within one air-conditioned structure. Within each housing unit, there are three pods with a common day room; each pod holds approximately 256 inmates with two-man cells. The Administrative Segregation Unit (ASU) is located in Facility A; it consists of ten one-man cells.

Staffing consists of 285 officers, 245 male and 40 female, a ratio of approximately 6:1. Female officers work all positions within the general population. There are 125 civilian staff and an additional 132 medical staff. There is zero tolerance for sexual harassment, bias, and discrimination; annual training in this regard is mandatory for all staff.

The inmate population originates primarily from the counties of Los Angeles, Orange, Riverside, and San Bernardino. The facility houses various gangs and their subsets. Gang activity impacts the facility by introducing drugs and cellphones into the facility by mail, visitors, and compromised staff. The cellphones facilitate the day-to-day operations and transactions within the street gangs. Drugs place inmates at risk from overdose, dependency, and violence. Consequently, staff is placed at risk. The gangs are disruptive groups that affect everyone by jeopardizing the safety and security of the public, staff, and inmates.

Inmates identified with a moderate to high likelihood to reoffend are classified as a priority for placement in the following applicable programs: Substance Use Disorder Treatment, Anger Management, Criminal Thinking, Family Relationships, and Alcoholics Anonymous. Approximately 26 voluntary programs are available to the inmates that include Marley’s Mutts – Pawsitive Change, Criminal Gangs Anonymous, Alternatives to Violence, and Yoga.

Adult Basic Education, GED, High School Diploma, College, Vocational Electronics, Vocational Education Competency Literacy, and Transitions (release assimilation program) are available but there is a significant waiting list for each. CAC has applied to the CDCR Office of Education to add educational programs to accommodate the demand.

The following facts relate to the findings and recommendations below:

- A. GED classes, or like programs, are mandatory for all inmates who have not completed their high school education.
- B. Certified GED examiners administer GED exams.
- C. Last fiscal year (July 1, 2018 – June 30, 2019), CAC had 154 inmates obtain their GED.
- D. Since July 1, 2019, no inmate has completed GED testing due to the absence of a GED test examiner.
- E. At the time of the Grand Jury visit, there was no available GED examiner.
- F. As of October 18, 2019, a GED Testing Coordinator is in training.
- G. GED testing was scheduled to begin by the end of November 2019.
- H. The 2018-2019 Grand Jury report included a recommendation that CDCR explore the possibility of satellite portable classrooms to increase the availability of classes and programs to the inmates.
- I. Prisoner Protections for Family and Community Health Act, Penal Code section 6500, sets forth that the Department of Corrections and Rehabilitation will provide condoms, free of charge, to inmates.
- J. The Centers for Disease Control and Prevention advises that anal sex is the highest-risk sexual activity for human immunodeficiency virus (HIV) transmission.
- K. CAC's Operational Procedure 438 (inmate access to condoms) states in part:
 - “[T]o provide condoms, free of charge, to inmates....in accordance with Penal Code (PC) 6500. Specifically, it is recognized that sexual contact between inmates occurs, despite disciplinary sanctions against such conduct and custodial practices designed to eliminate or reduce the frequency of such occurrences. This high risk behavior constitutes a substantial risk to the

health and welfare of the inmate population at large, staff and the public. Human immunodeficiency virus (HIV) and other sexually transmitted infections (STI's) are prevalent in correctional settings. It is the purpose of this procedure to reduce transmission of these infections within...facilities.”

- L. Condom dispensary receptacles, provided by CAC, are located in areas readily available to inmates except in the Administrative Segregation Unit and the visiting area.
- M. CAC instituted Condom Procedure Awareness that includes, but is not limited to:
 - Make brochures available to all inmates and displaying posters in all housing units
 - Prison Rape Elimination Act (PREA)/Orientation video is played for incoming inmates
 - Inmate education that includes sexually transmitted illnesses
 - Reminders that sexual contact while incarcerated is a felony
 - Staff is to refrain from discussing a specific inmate's possession of condoms unless there is a legitimate legal requirement
- N. A condom found in a cell, outside of its packaging, is immediately reported by staff to a supervisor. The inmate is interviewed to determine if any safety concerns exist. If condoms are found in a common area, staff will evaluate the situation for potential sexual violence.
- O. The pamphlet provided to inmates, pursuant to the CAC Operational Procedure 438, Attachment A1, recommends disposal of used condoms by flushing them down the toilet.
- P. Used condoms are not to be placed in recycling containers or flushed down the toilet. Condoms flushed down toilets can cause overflow that creates a biologic hazard to inmates and staff.
- Q. Centers for Disease Control and Prevention advises that the proper disposal of condoms is to wrap them in tissue and throw them in a waste receptacle.

FINDINGS:

- F1. Although inmate sex is illegal, its occurrence is a fact that must be addressed for the benefit of the inmates and their future partners.
- F2. CAC staff, both custodial and medical, stated they do not know how inmates dispose of used condoms, they assume most inmates disposed of them in the toilet. They also indicated that some condoms have been found on the floor.

- F3. CDCR/CAC's written policy recommending disposal of used condoms by flushing them down the toilet is contrary to the recommendations of various health organizations and scientists. The importance of eliminating such a policy is not only for the protection of the user and their future contacts but also to protect our waterway and oceans for future generations.
- F4. While visiting a GED class, inmates expressed frustration with delays in taking GED examinations. Some expressed delays of several months. These delays add to inmate frustration; they study and prepare for an exam only to have their test date cancelled. Obtaining a GED is a source of pride and symbolizes a better future.
- F5. At the time of this Grand Jury visit, CAC lacked qualified individuals to administer GED exams.
- F6. When asked, staff stated they are in the process of filling the recently vacated position for an education program Principal.
- F7. CAC has provided a *Tenant Improvements Priority Wish List 2019* to CoreCivic, their landlord, requesting four modular trailers of which two would be used for vocational education programs. The addition of two education trailers would enhance the availability of programs and increase the need for qualified GED proctors.

COMMENTS:

The Grand Jury would like to thank California City Correctional Facility staff for their time and providing a very informative tour of the facility.

RECOMMENDATIONS:

- R1. The pamphlet, OP 438, needs to be revised by CAC instructing inmates on the proper means of condom disposal, e.g., wrapping the used condom in tissue and disposing it in a waste receptacle that is not designated for recycling. (Findings 1, 2 and 3)
- R2. The CDCR implement policies and procedures for all facilities to educate staff and inmates on the proper disposal of condoms. (Finding 3)
- R3. CAC create an opportunity to current teaching staff to become certified as GED examiners. (Findings 4 and 5)
- R4. CAC continue to recruit and/or provide training to maintain qualified examiners to facilitate regular GED testing opportunities. (Findings 4 and 5)

R5. CAC continue to negotiate with CoreCivic for the addition of portable classrooms. (Finding 7)

NOTES:

- The California Department of Corrections and Rehabilitation, and the California City Correctional Facility should post a copy of this report where it will be available for public review
- Persons wishing to receive an email notification of newly released reports may sign up at: kerncounty.com/grandjury
- Present and past Kern County Grand Jury Final Reports and Responses can be accessed on the Kern County Grand Jury website: kerncounty.com/grandjury

YOUR RESPONSE IS REQUESTED WITHIN 90 DAYS TO:

- **PRESIDING JUDGE**
KERN COUNTY SUPERIOR COURT
1415 TRUXTUN AVENUE, SUITE 212
BAKERSFIELD, CA 93301
- **FOREPERSON**
KERN COUNTY GRAND JURY
1415 TRUXTUN AVENUE, SUITE 600
BAKERSFIELD, CA 93301

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

OFFICE OF THE SECRETARY

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



March 13, 2020

JERRY D. TROXEL
FOREPERSON
KERN COUNTY GRAND JURY
1415 TRUXTUN AVENUE, SUITE 600
BAKERSFIELD, CA, 93301

Dear Mr. Troxel:

The California City Correctional Facility (CAC) has prepared the following response to the January 9, 2020, Kern County Grand Jury Final Report.

FINDINGS:

F1. Although inmate sex is illegal, its occurrence is a fact that must be addressed for the benefit of the inmates and their future partners.

- CAC agrees with this finding.

F2. CAC staff, both custodial and medical, stated they do not know how inmates dispose of used condoms, they assume most inmates disposed of them in the toilet. They also indicated that some condoms have been found on the floor.

- CAC agrees with this finding.

F3. California Department of Corrections (CDCR)/CAC's written policy recommending disposal of used condoms by flushing them down the toilet is contrary to the recommendations of various health organizations and scientists. The importance of eliminating such a policy is not only for the protection of the user and their future contacts, but also to protect our waterway and oceans for future generations.

- CAC agrees with this finding.

F4. While visiting a General Education Diploma (GED) class, inmates expressed frustration with delays in taking GED examinations. Some expressed delays of several months. These delays add to inmate frustration; they study and prepare for an exam only to have their test date cancelled. Obtaining a GED is a source of pride and symbolizes a better future.

- CAC agrees with this finding.

F5. At the time of this Grand Jury visit, CAC lacked qualified individuals to administer GED exams.

- CAC agrees with this finding.

F6. When asked, staff stated they are in the process of filling the recently vacated position for an education program Principal.

- CAC agrees with this finding in part. The Principal position was not vacant in 2019, however the testing coordinator was vacant for part of the year.

F7. CAC has provided Tenant Improvements Priority Wish List 2019 to CoreCivic, their landlord, requesting four modular trailers of which two would be used for vocational education programs. The addition of two education trailers would enhance the need for qualified GED proctors.

- CAC agrees with this finding in part. CAC is requesting the installation of four modular trailers, and if purchased will work with the Office of Correctional Education (OCE) to request vocational education programs and the approval for additional education staff.

RECOMMENDATIONS:

R1. The pamphlet, OP 438, needs to be revised by CAC instructing inmates on the proper means of condom disposal, e.g., wrapping the used condom in tissue and disposing it in a waste receptacle that is not designated for recycling. (Findings 1, 2 and 3)

- Operational Procedure 438 (OP 438), Inmate Access to Condoms and the Inmate Condom Access Brochures, Attachments A1 (English) and A2 (Spanish), have been revised to, "Wrap the condom in tissue and place it in a waste receptacle where others will not handle it."
- The revised OP 438 documents were posted in each inmate living area for their review. Receiving and Release staff incorporated the revised OP 438 documents into the inmate orientation handout.

R2. The CDCR implement policies and procedures for all facilities to educate staff and inmates on the proper disposal of condoms. (Finding 3)

- CAC will work with CDCR Headquarters to make any appropriate changes to the current statewide policy.

R3. CAC create an opportunity to current teaching staff to become certified as GED examiners. (Findings 4 and 5)

- The Pearson Vue Company, who manages the GED certificate program, and the OCE, prohibits teacher access to the GED test if they are teaching in the classroom. Therefore, CAC is limited on how many teachers can be trained to facilitate GED testing.

R4. CAC continue to recruit and /or provide training to maintain qualified examiners to facilitate regular GED testing opportunities. (Findings 4 and 5)

Mr. Troxel
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- CAC will continue to insure a qualified examiner is maintained to facilitate regular GED testing opportunities for inmates.

*R5. CAC to continue to negotiate with CoreCivic for the addition of portable classrooms.
(Finding 7)*

- CDCR will continue to discuss the addition of portable classrooms with CoreCivic.

Administration would like to commend the Grand Jury Committee members who toured CAC for their professionalism and for the comprehensive tour they conducted. As requested in the Final Report, a copy for the Kern County Grand Jury Final Report has been posted and made available for public review.

It is of the utmost importance of the CAC and CDCR to keep the safety of the public foremost, while providing rehabilitative service to the inmate population in accordance with departmental policy.

If you have any questions, contact me at (760) 246-7600 Ext. 7000.

Respectfully,



GEORGE JAIME
Warden
California City Correctional Facility

cc: J. Lozano, Associate Director (A), High Security Mission

KERN VALLEY STATE PRISON



SUMMARY:

The Law and Justice Committee (Committee) of the 2019-2020 Kern County Grand Jury (Grand Jury) made inquiry into Kern Valley State Prison (KVSP), as annually mandated. In the past seven years, several KVSP custody staff have committed suicide. Custody staff continue to struggle with the stigma of seeking help.

In addition, as with other California Department of Corrections and Rehabilitation (CDCR) prisons, there is a need to implement a clear policy and to educate inmates regarding the proper use and disposal of condoms.

PURPOSE OF INQUIRY:

Pursuant to California Penal Code section 919(b), the Grand Jury “shall inquire into the condition and management of the public prisons within the county.”

In addition to inquiring into the general condition of the prisons, the Grand Jury seeks to address, not only inmate conditions, but also the conditions affecting the health, safety and welfare of all staff.

METHODOLOGY:

On February 27, 2020, the Grand Jury made an unannounced visit to KVSP and met with executive and CDCR staff. Thereafter, the Grand Jury toured the facility with custody staff.

In preparation for the visit, CDCR and other websites were researched. Previous Grand Jury reports were reviewed for continuity and to follow-up on recommendations. Pre-inspection questions were sent to KVSP but the response was received after the Grand Jury’s visit.

DISCUSSION OF FACTS:

Kern Valley State Prison is an adult male, Level I minimum-security and Level IV high-security facility, located at 3000 W. Cecil Ave, Delano, CA 93216. It has four semi-autonomous 180 degree designed housing units and two stand-alone Administrative Segregation Units.

Minimum-security inmates are separated from high-security inmates by rows of razor wire and an electrified fence. Only the inmates serving time at the minimum support facility are eligible to participate in many prison-related operational support jobs. These jobs help facilitate the prison by providing services such as cooking, laundry, administration services, warehouse, and maintenance, while also giving the inmates a chance to learn new skills and job training.

Inmates are placed according to their custody level, which is determined by a number of factors including past criminal history and the length of their sentence. KVSP has a staffed housing capacity of 3,623. There were 3,605 inmates at the time of the Grand Jury's visit.

Additionally, KVSP also houses transgender inmates. Facility officials report: *"The transgender population is afforded state clothing that is gender specific, access to curling irons through a check out procedure in the housing unit and gender specific items are available for purchase in the canteen. The following is also made available: representation on the Inmate Advisory Council; a Transgender Mental Health group; a Transgender Access card to assist in access to items and notifications of preferred pronouns honoring their preferred choice of gender association; and, a bi-annual assessment is completed by Counseling staff for Prison Rape Elimination Act (PREA) concerns."*

As of December 31, 2019, the current budget for KVSP was \$203,846,237. The projected cost to house an inmate for Fiscal Year (FY) 2019-2020 is \$62,839 per inmate based on an average daily population of 3,589. For the current FY, the projected medical cost is \$11,667 per inmate and for mental health is \$3,044 per inmate. The projected cost to feed an inmate is \$3.93 per day.

The current budget for the education program is \$5,980,027. In terms of counseling, the self-help group's current budget includes the wages of the supervisors of inmates, of those groups. The current budget for the supervisors is \$155,000; the projection for the entire FY is closer to \$240,000.

Based on criminogenic needs, assistance is offered to inmates by the CDCR, Division of Adult Parole Operations in the following areas: residential, financial, employment, school, mental health, and substance abuse.

In addition to the above, the facility tour and research revealed the following facts related to the findings and recommendations, below:

- A. KVSP had five custody staff commit suicide in the last seven years. Their ages ranged from 25-50, male and female, white and Hispanic. An official stated: “Exposure to the negative, violent environment of a level IV institution wears on people daily without them even realizing it. The stigma of asking for help is the biggest enemy. Depressed people feel alone and that they are the only one feeling the way they do. There has to be a personal, powerful message (via training) delivered consistently to staff members that its ok to ask for help and how to get it...educate, educate, educate and it has to be constant.”
- B. According to a 2018 University of California Berkeley study: *“[C]orrectional officers are at a high risk for depression, PTSD and suicide. The study, which focuses on California state prisons, and a survey conducted in 2017 showed that 10% of correctional officers said they'd considered taking their own life. Among adults in the U.S., about 3% reported having suicidal thoughts, while retired correctional officers, according to the study, reported a rate of 31%. About 1 in 3 are dealing with PTSD, according to the study, as about half of the correctional officers surveyed reporting that they don't feel safe at work. Depression also affects about one-third of the officers.”* (See link below)
<https://abcnews.go.com/Politics/correctional-officer-suicides-2019-tied-single-year-union/story?id=65828169>

Of significance, the above study highlights the following as obstacles to seeking assistance:

- *Many officers report that they have either not been trained at all on health-related issues, or that training is of poor quality.* One-third reported the training they received related to stress management and dealing with trauma has been of very poor quality.
- *Many express concerns about using the Employee Assistance Program (EAP).* Only 18% of officers have used the EAP, 20% are concerned about the confidentiality of these services, 15% are concerned about negative consequences from management, 13% are worried about judgment from coworkers, and 11% fear losing their job.
- *While the prevalence of mental health issues is high, so is the desire to learn.* More than half of the officers want more training on stress management for law enforcement, as well as dealing with trauma and Post Traumatic Stress Disorder. This presents an incredible opportunity for California to lead the way in providing resources to a willing population in need.

Officers want access to a wide range of mental health training and resources.

Type of Resource	% Interested or Very Interested
Confidential links to counselors or therapists	49%
Online/digital resources related to health and well-being	58%
Anonymous hotline for law enforcement	43%
Stress management training	88%
Trauma/PTSD training	82%
Training in personal nutrition and exercise	86%

https://gspp.berkeley.edu/assets/uploads/research/pdf/executive_summary_08142018.pdf

- C. The FY 2019-2020 budget for specialized staff training at KVSP is \$4,233. This pays for training staff when sent off site and course fees. This does not include mental health training.
- D. For the past 2.5 years, staff has received eight hours a year of mental health training: seven hours of how to deal with negative environments and one hour of suicide prevention. This is called, "Corrections Fatigue to Fulfillment."
- E. Over the past year, KVSP has had ten riots. While the Grand Jury was touring the KVSP yard, a fight occurred between two or three inmates in the indoor gymnasium. In response, additional Correctional Officers responded within seconds. Medical personnel responded soon thereafter to treat injuries.
- F. Prisoner Protections for Family and Community Health Act, Penal Code section 6500, sets forth that the CDCR will provide condoms, free of charge, to inmates.
- G. The KVSP Operational Procedure, provided to inmates, does not address the disposal of condoms.
- H. KVSP Inmate Orientation Handbook states the recommended method of condom disposal is to flush them down the toilet. This is contrary to the recommendations of the Centers for Disease Control and Prevention that recommends condoms be wrapped in tissue and disposed in the trash.

FINDINGS:

- F1. KVSP custody staff has expressed the need for ongoing personnel training and communications emphasizing the need to ask for help. Additionally, it is clear from the UC Berkeley study that an atmosphere that is safe and highly confidential needs to be developed for staff to take advantage of available programs.
- F2. As with other CDCR prisons, there is a need to amend the current policy and to educate inmates regarding the proper disposal of condoms. It appears the proper disposal of condoms has not been addressed by the CDCR since the publication of the 2019-2020 Kern County Grand Jury Report, California City Correctional Facility.

COMMENTS:

The 2019-2020 Grand Jury would like to thank the staff at Kern Valley State Prison for an informative and thorough tour of the facility and responding to our questions.

RECOMMENDATIONS:

- R1. Develop a mechanism for strict confidentiality, as reported in the UC Berkeley Study, beyond what is offered by the EAP. This is to be available to active and retired custody staff when seeking mental health services. This may be in the form of an autonomous hotline or outside service funded by the state. (Finding 1)
- R2. KVSP is encouraged to seek an increased budget to expand staff mental health and general wellness programs that have proven effective results. (Finding 2)
- R3. KVSP is to seek from CDCR an amended policy as to the disposal of condoms that is consistent with the recommendations of the Centers for Disease Control and Prevention. (Finding 3)

NOTES:

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RESPONSE REQUESTED WITHIN 90 DAYS TO:

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DIVISION OF ADULT INSTITUTIONS

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



September 22, 2020

The Honorable Presiding Judge
Kern County Superior Court
1415 Truxtun Avenue, Suite 212
Bakersfield, CA 93301

Foreperson
Kern County Grand Jury
1415 Truxtun Avenue, Suite 600
Bakersfield, CA 93301

Dear Presiding Judge:

This is in response to the 2019-2020 Kern County Grand Jury report pertaining to the tour on February 27, 2020 at Kern Valley State Prison (KVSP).

The Grand Jury released the final report documenting their findings and recommendations. The following is the response to the findings and recommendations contained in the report.

FINDINGS:**F1: Agree**

Beginning in 2018, all California Department of Corrections and Rehabilitation (CDCR) staff received Desert Waters' eight hour curricula of *Correctional Fatigue to Fulfillment* and, in 2019, all CDCR staff received the eight hour *True Grit* curricula as part of their annual off-post training. Desert Waters is a non-profit organization committed to promoting the personal and family well-being of the corrections workforce through the provision of evidence-informed resources, solutions, and support.

In 2018, CDCR revised the previous *Staff Suicide Awareness* curricula and now provides an enhanced curricula to all CDCR and California Correctional Health Care Services staff as part of their annual off-post training. Additionally, starting in 2019, CDCR also revised and provides *Stress Resiliency* trainings through On-The-Job training.

Additional resources for staff who are seeking help may connect with the Law Enforcement Chaplaincy Services (LECS) with whom CDCR has contracted with since 2017. LECS provides non-denominational spiritual and emotional support to staff and their eligible dependents 24 hours a day, seven days a week. Chaplains have clergy privilege pursuant to the California Evidence Code, Division 8, Chapter 4, Article 8, Sections 1030-1034, which protects the communication between employee and chaplain.

Recognizing the importance of confidentiality, CDCR is in the process of standardization of the current Peer Support Program (PSP) to include a review of past and nationwide best practices. These studies and reports are currently being reviewed and cross-referenced by staff for the possible inclusion in the standardized lesson plan. Field workgroups were created to encompass a thorough review and analysis of nationwide empirically-based best practices, multiple field workgroups, various think tanks, consultation with outside professional consultants, and collaboration with various stakeholders

Key components of the PSP standardization are as follows:

- A clearly delineated scope of practice for Peer Support Team (PST) members to include providing an empathetic, listening ear, and facilitate pathways to professional help in the following incidents: physical and sexual assault, hostage incidents, injury/death to person(s), illness, death, suicide, and substance abuse.
- Confidentiality parameters have been expanded and clearly outlined to protect both the PST member and the staff they are assisting.
- Revised and clarified process for providing peer support services to military staff members for both pre and post deployment.

Beginning in 2018, all graduating CDCR cadets have received a copy of *Emotional Survival for Law Enforcement*, by Dr. Kevin Gilmartin. Emotional Survival for Law Enforcement was written to assist officers and their families develop techniques and habits to overcome the trauma and chaos they experience on a daily basis.

Knowing that not all staff have access to e-mail or the internet during work hours, CDCR has utilized digital display messaging boards since 2018. These boards, installed at all institutions, deliver continuous statewide health and wellness information, education, and resources. These topics cover subjects such as emotional self-care and suicide prevention.

Recognizing the importance of staying connected to staff statewide, Employee Health and Wellness distribute weekly, statewide, e-mails covering wellness topics such as, Peer Support, Employee Assistance Program and relevant topics such as resources on dealing with Covid-19, suicide, wildfires, and other crises which affect our employees.

Furthermore, CDCR has created and will be implementing the *Supportive Assistance for Employees (SAFE)* Program, which will provide staff with immediate access to Licensed Mental Health Professionals who are conversant in the correctional culture, and the unique factors which may impact a staff's personal and professional life. The SAFE program will offer free, voluntary and confidential comprehensive mental health wellness services to staff. In providing empathy, connections, psychoeducation and referrals, the SAFE program also hopes to reduce the stigma of asking for help.

F2. Disagree

Assembly Bill (AB) 966, the Prisoner Protections for Family and Community Health Act, took effect on September 26, 2014, and required CDCR to develop a five-year plan to extend the availability of condoms in all California prisons. A work group was created to draft the relevant procedures, which included staff from various areas of CDCR, including the Office of Labor Relations, Office of Legal Affairs, Office of the Public and Employee Communications, Legislation Office, Health Care Services, and the California Department of Public Health. Based upon recommendations given in 2015 from health agencies, as well as labor as labor negotiations, the condom disposal procedure recommended the inmate population to flush used condoms down the toilet. A pilot program was implemented at four prisons to test the feasibility of the overall program, to include the recommended method of disposal. Plant Operations staff were involved in the discussion regarding the method of disposal, it was found the sewer systems at institutions could accept items such as condoms, as inmates routinely flush larger items. The prison sewers are designed with an end of the line grinding station followed by a bar screen with an automated lifting conveyor system that pulls the solid items out of the system, and dumps it into a sanitary container that is emptied on a regular basis.

To date, none of the 33 institutions who have been operating under these current guidelines for the past five years have reported a single system malfunction or failure due to the disposal of flushing used condoms. There are no issues with the method of disposal in the toilet because any condoms that are flushed are removed from plumbing as described above. In the recent years of using the disposal method of flushing used condoms down the toilets, there have been no incidents of staff exposure to bodily fluids from used condoms.

RECOMMENDATIONS:

R1. Partially Implemented

As discussed in F1, an additional resource has been made available through the California Correctional Peace Officers Association (CCPOA) who has made available a phone application, by Crisis Connection International. This application provides instant access to information and resources for staff in a crisis. Link below.

<https://www.ccpoabtf.org/mentalwellness/index.html>

R2. Not Implemented

KVSP is currently following the guidelines as provided from the CDCR work group and vetted through the Office of Legal Affairs and the Office of Labor Relations. Please refer to F2

On behalf of DAI, and the staff at KVSP, I would like to thank the members of the 2019-2020 Kern County Grand Jury for taking the time out of their busy schedules to visit and tour our institution.

If you have any additional questions, please contact Christian Pfeiffer, Warden, KVSP, DAI, at (661) 721-6300, extension 5506.

Sincerely,



CONNIE GIPSON

Director

Division of Adult Institutions

cc: Kimberly Seibel, Deputy Director, Facility Operations, DAI
Jared Lozano, Associate Director, High Security Mission, DAI
Christian Pfeiffer, Warden, KVSP, DAI

McFARLAND FEMALE COMMUNITY REENTRY FACILITY

Closure is Not Always the Right Solution

SUMMARY:

The Law and Justice Committee (Committee) of the 2019-2020 Kern County Grand Jury (Grand Jury) inquired into the McFarland Female Community Reentry Facility (FCRF), a privately run state prison, as annually mandated. FCRF is the only prison facility of its kind in this state for women providing extensive rehabilitation programs and pre and post release support not found in state run prisons. FCRF is facing possible closure. Its closure will deny women essential services to assist in their return to society as productive responsible individuals. The State Auditor has found significant deficiencies in the rehabilitation programs instituted in state run prisons; however, the audit did not include the private GEO Group, Inc. (GEO) model or city owned and operated prisons.

PURPOSE OF INQUIRY:

Pursuant to California Penal Code section 919(b), “the grand jury shall inquire into the condition and management of the public prisons within the county.”

In addition to inquiring into the general condition of the prisons, the Grand Jury seeks to address, not only inmate conditions, but also the conditions affecting the health, safety and welfare of staff. The Grand Jury also followed-up on recommendations made to FCRF in the 2018-2019 Kern County Grand Jury report.

METHODOLOGY:

On November 21, 2019, the Committee met with GEO and California Department of Corrections and Rehabilitation (CDCR) administrative staff. Thereafter, the Committee toured the facility with several staff members.

In preparation for the visit, GEO and CDCR websites were reviewed and various website publications were used in researching the facility. FCRF responded to a list of pre-inspection questions from the Grand Jury prior to the visit. The Committee also reviewed prior Grand Jury reports for continuity and to follow-up on recommendations.

DISCUSSION OF FACTS:

California has prisons owned and operated by the state through CDCR, city-owned and operated prisons and privately owned and operated prisons. Both city and privately operated prisons operate under the same rules and regulations as CDCR prisons. Currently, the state budget calls for the closure of the three city-owned and operated facilities located in Taft, Delano and Shafter; one a year by the end of 2022.

GEO operates 71 Correctional Facilities throughout the United States. The McFarland Female Community Reentry Facility, operated by GEO, is located at 120 Taylor Avenue, McFarland, CA 93250. The facility was designed, financed and built by GEO in 1986. Originally, it operated as a minimum-security Community Correctional Facility to house male parole violators and short-term offenders for CDCR. Due to state budget constraints, the facility closed in 2009. It reopened, August 4, 2014, as a female minimum-security facility.

The inmates, referred to as “participants,” reside in a 300-bed dormitory-style setting. GEO’s mission is to provide participants with industry leading correctional rehabilitation and community reintegration programs.

Language translation is available by staff, a phone language line, and a text telephone (TTY) system for the hearing impaired ensuring effective communication. A participant who is hearing impaired is issued an identifying vest to wear 24/7. This vest communicates to staff the special needs of this participant during daily activities and in case of emergency.

In addition to the above, the facility tour and research revealed the following facts related to the findings and recommendations:

- A. FCRF is one of four women’s prisons in California; the remaining prisons are CDCR operated. Participants must have five years or less remaining on their sentence.
- B. FCRF is one of three GEO facilities located in McFarland. Each is located adjacent to one another. Central Valley Modified Community Correctional Facility closed in September 2019. FCRF and Golden State Modified Community Correctional Facility face possible closure in 2020.
- C. During the tour, a participant who transferred from the CDCR Central California Women’s Facility, Chowchilla, stated that due to high demand at that facility she was unable to get into education and rehabilitation programs that would shorten her sentence. Now that she is in FCRF, the programs she has completed have reduced her sentence by eight months.
- D. GEO has a *Continuum of Care* model that is assessment driven whereby staff identifies individual reentry needs and develops customized rehabilitation plans that provide needed services. While in custody, participants receive tailored programming to receive appropriate cognitive behavioral therapy (CBT) and to achieve milestone accomplishments, such as obtaining high school equivalency diplomas, or a vocational certificate.
- E. Another participant, who completed a job interview class, related she learned how to speak positively about herself. When asked what she would say in an interview, she passionately spoke that she would tell them how the company

could benefit from her, how she can benefit from working at the company, and that she made mistakes and is striving to better herself.

- F. The facility has a clothing boutique donated from various sources so participants may “dress for success” upon their release.
- G. Participants receive free personal hygiene items. A hair salon is available to all participants; fellow participants provide services while supervised by facility staff.
- H. Participants have a dedicated on-site Post-Release Case Manager to help secure resources for basic welfare needs prior to release. Available community resource referrals include transportation, housing, employment, education, food, clothing, and ongoing behavioral treatment.
- I. Upon release, to facilitate transportation to interviews and jobs, GEO gives participants a one-time 30-day bus pass or a bicycle with safety/security (helmet and bike lock) equipment. Per CDCR regulation, they also receive up to \$200.
- J. GEO provides an optional ongoing post-release support program at no cost to the participant. A Post-Release Case Manager and a 24/7 call center is available to participants for up to one year. Individuals receive referral assistance and support services through the call center. Case managers conduct weekly progress check-ups and coordinate additional resources as needed to assist individuals in remaining committed to the changes they have made.
- K. Rehabilitation Programs include:
 - CBT programs:
 - Family Relations
 - Criminal Thinking
 - Anger Management
 - Substance Abuse
 - Support Groups:
 - Transitions
 - Narcotics Anonymous
 - Alcoholics Anonymous
 - Self-Empowerment
 - Sisters of Unity
 - Phenomenal Women
 - Resolution Conflict
 - Education classes:
 - English as a Second Language
 - Adult Basic Education
 - High School Equivalency Testing

- College
 - Computer Literacy
 - Train for Success
- L. The Grand Jury was unable to obtain FCRF recidivism statistics. Because the facility reopened in 2014, recidivism statistics were not available. GEO indicates that in order to obtain recidivism statistics, the study must look at the success or failure of a participant for a full five years post-release.
- M. On January 31, 2019, the California State Auditor submitted a report to the Governor and the State Legislature in response to a request from the Joint Legislative Audit Committee concerned about the effectiveness of in-prison rehabilitation programs at CDCR state run prisons. The report identifies potential causes for the poor recidivism rate that has averaged around 50 percent over the past decade, gives recommendations as to remediation, and cites budgetary issues leading to a recommendation to the Legislature for implementation of new accountability mechanisms related to rehabilitation programs. A copy of the complete report is at: auditor.ca.gov/pdfs/reports/2018-113.pdf (See Appendix A – auditor letter to elected officials submitted with the report)
- N. The State defines recidivism as a conviction for a new felony or misdemeanor committed within three years of release from custody, or committed within three years of placement on supervision for a previous criminal conviction.
- O. The State Auditor’s report of January 31, 2019, referenced above, “concludes that inmates who completed in-prison cognitive behavioral therapy (CBT) programs recidivated at about the same rate as inmates who did not complete the programs.”

FINDINGS:

- F1. The previous Grand Jury made recommendations to include additional cognitive behavior classes. This Grand Jury finds that GEO has comprehensive rehabilitation and education programs designed to meet the needs of participants. Participants interviewed indicated this was a critical component of their rehabilitation.
- F2. The previous Grand Jury recommended that GEO continue to seek additional outside behavioral counselors. This Grand Jury finds that the facility no longer has a shortage of behavioral counselors.
- F3. As recommended by the previous Grand Jury, the facility has adjusted the dietary menu to include more fresh fruits, vegetables, and meats.

- F4. Previous Grand Jury's recommendation that GEO consider using a portion of the land around the facility to build a warehouse for canteen supplies and to utilize volume purchasing to lower the cost to participants is now moot with the looming threat of closure.
- F5. GEO has an extensive post-release support program, not offered by state or city run prisons.
- F6. Recidivism rates can be a cold and calculated count of those who have committed a new crime, or have violated parole for anything from serious infractions to being in the wrong place at the wrong time. When assessing or comparing recidivism rates, one must determine the criteria used to define recidivism. Recidivism has many influencing factors, such as: education, race, age, the nature of the original crime, a history of repeated criminal activity, substance abuse, a desire to make a change, obtaining the education and coping tools necessary to successfully return to society, and whether there is a community support system to assist in obtaining adequate housing, jobs and transportation.

The State Auditor's report emphasizes the need for careful analysis of any claimed recidivism rate regardless of whether the facility is publicly or privately run. (See Appendix A)

- F7. What is the economic impact of prison closures on staff, the immediate community, and taxpayers? Evaluating the cost of public prisons (state or city) versus private run prisons is complex and beyond the expertise of this Grand Jury. State, educational, and private institutions are evaluating this question. A survey of various publications makes it clear that it is a complex undertaking.

COMMENTS:

This Grand Jury also made inquiry into the McFarland Central Valley Modified Community Correctional Facility prior to its closure in September 2019. This men's facility was, in all practical aspects, the same as FCRF. It is evident from the atmosphere at these two GEO facilities that the inmates/participants are/were in a more conducive atmosphere for learning and preparing for their release. GEO appears to provide both CBT, self-help and educational programs meeting the demand of participants. GEO claims a two-year recidivism rate of 26 percent or less in their facilities located in Florida and Georgia, much less than the 50 percent average in California State operated prisons. Key factors in obtaining a lower recidivism rate may be that participants in the smaller GEO facilities do not have to deal with the stress of being housed with inmates who are not like-minded toward rehabilitation, are appropriately assessed as to recidivism risk, and are highly motivated.

The Grand Jury would like to thank the staff at FCRF for an informative and thorough tour of the facility. The information provided, along with the facility overview, proved to be very valuable. The Grand Jury would also like to thank the participants that were interviewed.

RECOMMENDATIONS:

- R1. McFarland Female Community Reentry Facility remain open as it is the only correctional facility of its kind for women offering rehabilitation in a positive environment with extensive post-release support services. (Findings 1, 2, 5 and 7)
- R2. CDCR, in collaboration with GEO, continue to track participants to develop recidivism statistics even if this GEO facility is closed. (Finding 6)

NOTES:

- The California Department of Corrections and Rehabilitation, and the McFarland Female Community Reentry Facility should post a copy of this report where it will be available for public review
- Persons wishing to receive an email notification of newly released reports may sign up at: kerncounty.com/grandjury
- Present and past Kern County Grand Jury Final Reports and Responses can be accessed on the Kern County Grand Jury website: kerncounty.com/grandjury

RESPONSE REQUESTED WITHIN 90 DAYS TO:

- **PRESIDING JUDGE**
KERN COUNTY SUPERIOR COURT
1415 TRUXTUN AVENUE, SUITE 212
BAKERSFIELD, CA 93301
- **FOREPERSON**
KERN COUNTY GRAND JURY
1415 TRUXTUN AVENUE, SUITE 600
BAKERSFIELD, CA 93301

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.
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APPENDIX A

Elaine M. Howle *State Auditor*



January 31, 2019
2018-113

The Governor of California
President pro Tempore of the Senate
Speaker of the Assembly
State Capitol
Sacramento, California 95814

Dear Governor and Legislative Leaders:

As requested by the Joint Legislative Audit Committee, the California State Auditor presents this audit report concerning the effectiveness of in-prison rehabilitation programs at the California Department of Corrections and Rehabilitation (Corrections).

This report concludes that inmates who completed in-prison cognitive behavioral therapy (CBT) programs recidivated at about the same rate as inmates who did not complete the programs. These results are serious enough to highlight an urgent need for Corrections to take a more active and meaningful role in ensuring that these programs are effective. In particular, Corrections has not revalidated the accuracy of the tools it uses to assess inmates' rehabilitative needs since recent statutory changes caused a major shift in the State's prison population. Inaccurate assessment tools could result in placing inmates in the wrong programs or in no programs at all. Furthermore, Corrections has not ensured that all of its CBT class curricula are evidence based, resulting in a significant portion of inmates that do not receive treatment that has been proven effective in reducing recidivism. Addressing these two problems would help Corrections ensure that rehabilitation programs are meeting their primary purpose of reducing recidivism.

Moreover, Corrections has neither consistently placed inmates on waiting lists for needed rehabilitation programs nor prioritized those with the highest need correctly. This contributed to Corrections' failure to meet any of the rehabilitative needs for 62 percent of the inmates released in fiscal year 2017–18 who had been assessed as at risk to recidivate. One reason inmates may not be receiving needed rehabilitation programs is that Corrections is having difficulty fully staffing its rehabilitation programs at all of its prisons. These various issues have resulted in low inmate enrollment rates when compared to the programs' budgeted capacity at the three prisons we reviewed.

Finally, Corrections has neither developed any performance measures for its rehabilitation programs, such as a target reduction in recidivism, nor assessed program cost-effectiveness. Moreover, Corrections has not analyzed whether its rehabilitation programs reduce recidivism. To perform such an analysis, Corrections needs to collect additional data and take steps to ensure it delivers CBT programs as intended across all of its facilities. Although Corrections plans to coordinate with external researchers to conduct a performance evaluation of the rehabilitation programs over the course of the next two years, Corrections has taken no formal steps to initiate this process. Because the Legislature provided Corrections with a

significant budget increase so that it could expand rehabilitation programs to all prisons in the State, it is vital that Corrections demonstrate that the additional investment was worthwhile. To this end, the Legislature should implement new accountability mechanisms related to Corrections' rehabilitation programs, including additional oversight, performance targets, and recidivism evaluations conducted by an external researcher. Respectfully submitted,




ELAINE M. HOWLE, CPA
California State Auditor

MEMORANDUM

Date: February 24, 2020

To: Presiding Judge
Kern County Superior Court
1415 Truxton Avenue, Suite 212
Bakersfield, CA 93301

CC: Foreperson
Kern County Grand Jury
1415 Truxton Avenue, Suite 600
Bakersfield, CA 93301

From: 
M. Wofford, Facility Administrator
McFarland FCRF

RE: ANNUAL FACILITY VISIT

On November 21, 2019, members of the Kern County Grand Jury conducted an annual visit. During the visit the members toured the facility and interviewed inmates, known at this facility as participants. In addition they were able to ask questions and review documentation necessary to gain insight into the current operation of the institution.

As part of the annual review, the following information has been compiled per your request. We trust our responses are useful and satisfy the content of each inquiry. If you require further documentation or clarification, please do not hesitate to contact the facility.

Findings

For the purpose of subdivision (b) of Section 933, the facility agrees with the findings listed for F1-F7.

Recommendations

For the purpose of subdivision (b) of Section 933, the facility has listed the responses below.

- R1:** McFarland Female Community Reentry Facility remain open as it is the only correctional facility of its kind for women offering rehabilitation in a positive environment with extensive post-release support services.
(Finding 1, 2, 5, and 7)

The facility agrees with this recommendation and hopes it is able to remain open and continue to provide the unique services to the participants.

R2: CDCR, in collaboration with GEO, continue to track participants to develop recidivism statistics even if this GEO facility is closed. (Finding 6)

The facility agrees with this recommendation and will continue to gather recidivism data regarding its population.

Wasco State Prison-Reception Center



Photo taken from Quazoo.com

SUMMARY:

The Law and Justice Committee (Committee) of the 2019-2020 Kern County Grand Jury (Grand Jury) made inquiry into the Wasco State Prison-Reception Center (WSP-RC), as annually mandated. WSP-RC is the first prison in California to implement the Integrated Substance Use Disorder Treatment (ISUDT) program to fight addiction, now considered a mental disorder. Housing unit staffing levels appeared inadequate. In addition, there is a need to implement a clear policy and educate inmates regarding the proper use and disposal of condoms.

PURPOSE OF INQUIRY:

Pursuant to California Penal Code section 919(b), the Grand Jury “shall inquire into the condition and management of the public prisons within the county.”

Additionally, the Grand Jury seeks to address, not only inmate conditions but also the health, safety and welfare of staff.

METHODOLOGY:

On January 13, 2020, the Committee made an unannounced visit to WSP-RC, met with executive and California Department of Corrections and Rehabilitation (CDCR) staff, and toured the facility with staff members.

In preparation for the visit, research was conducted into the CDCR and various other related websites. The Grand Jury reviewed previous reports for continuity and for follow-up on recommendations. Prior to the Grand Jury’s visit, WSP-RC responded to pre-inspection questions sent by the Committee.

DISCUSSION OF FACTS:

Wasco State Prison-Reception Center is an adult male, 4,580-bed custody facility, located at 701 Scofield Avenue, Wasco, CA 93280. It processes newly sentenced inmates and houses a general population. WSP-RC is a CDCR state owned and operated prison.

In addition to a mental and physical evaluation, a complete criminal and family history is obtained from each inmate. The security level of the inmates are determined and any programs the inmate may require or benefit from are determined from these evaluations.

Once the intake process is complete, the inmate is assigned to the appropriate institution where they will serve their sentence. The reception process can take anywhere from 90 to 120 days.

Wasco State Prison houses a 1,000-bed general population of medium level (III) and minimum level (I and II) inmates, who help support and maintain the reception center, as it is the largest in the state of California.

In addition to the above, the facility tour and research revealed the following facts related to the findings and recommendations below:

A. The Inmate Classification Score System was developed and implemented to assign inmates to a custody level appropriate for placement. This system maximizes safety and security for the staff and inmates within the institution and the community programs. This is a point-based system derived from various case factors and historical data. Points are established by:

- Age of first arrest
- Age at reception
- Term points (two points for every year of sentence)
- Gang affiliation
- Prior jail
- Prior incarceration
- Prior incarceration behavior

B. Fiscal year (FY) 2019-2020 total annual budget broken down by program was \$187,113,398:

• Program 25 Custody Operations	\$133,816,621
• Program 27 Inmate Support	\$ 40,701,663
• Program 29 Institution Administration	\$ 7,119,248
• Program 45 Education and Vocational Programming	\$ 2,573,728
• Program 46 and 48 Community Partnership	\$ 211,754

- C. FY 2019-2020 projected costs per inmate, per year:
- Housing (does not include medical) \$ 38,163
 - Medical (does not include mental health) \$ 13,032
 - Meals \$ 1,376
- D. From January 1, 2019, to December 31, 2019, there have been three inmate deaths from natural causes and 14 documented suicide attempts.
- E. Overdose rates as of September 2019:
- Seven involved opioids
 - All inmates were treated, assessed disciplinary action, and mandated to enter into drug rehabilitation programs as well as being placed on random urinalysis screening
- F. WSP-RC has approximately 500 GED graduates a year and an education budget of \$2,573,728.
- G. CAL-ID Program provides a DMV issued Identification Card when released if they are eligible and interested. The purpose of the CAL-ID Program is to streamline access to support service, such as medical, housing, and right-to-work documents.
- H. The Male Community Reentry Program (MCRP) is a voluntary program for male inmates who have approximately one year left to serve in prison. It allows an eligible inmate to serve the end of their sentence in the community in lieu of confinement. The MCRP is designed to provide, or arrange, linkage to a range of community-based rehabilitative services that assist with substance use disorders, mental health care, medical care, employment, education, housing, family reunification, and social support.

MCRP helps participants successfully reenter the community from prison and reduce recidivism. All levels of eligible inmates who have approximately one year, but no less than 30 days remaining of their prison sentence may volunteer for placement.

Inmates are not eligible for MCRP due to the following:

- An inmate whose County of Last Legal Residence does not have a MCRP or is not served by a multi-county MCRP
- Has a Penal Code section 290-registration requirement, an R suffix, or current or prior conviction for a sexually violent offense
- California Static Risk Assessment score of five (high violence)
- Obtained a Mandatory Minimum Placement Code for escape or walk-away within the last five years
- Has an active or potential felony hold, warrant, or detainer

- Has in-custody misconduct (Division A-C offenses) within the last 12 calendar months, except physical possession of alcohol and possession of drugs (trafficking offenses remain exclusionary)
 - Has been released from Security Housing Unit/Psychiatric Security Unit within the last 12 calendar months
 - Validated Security Threat Group I (groups, gangs, and or historically based prison gangs that the CDCR has determined to be the most severe threat to the security of the institutions and communities), pursuant to California Code of Regulations, Title 15 subsection 3378(c)
- I. WSP-RC is the first facility to implement a statewide Integrated Substance Use Disorder Treatment program. The ISUDT involves multiple divisions of CDCR working together to address the “opioid epidemic” along with all other substance use disorders. Medical staff determine the level of care inmates require. ISUDT includes the following:
- Medical Assisted Treatment (MAT)*
 - Intensive Substance Use Disorder Treatment
 - Outpatient Substance Use Disorder Treatment
 - Cognitive Behavioral Interventions - Includes Anger Management, Criminal Thinking, Family Relationships and Victim Impact

*MAT is voluntary. The other three programs in ISUDT are mandatory.

- J. Staff expressed concerns regarding the inmate-custody staff ratio in the housing units and their safety as Sacramento Legislators set staffing ratios. Staff also indicated this is an ongoing issue. There are no Post Orders indicating the number of Correctional Officers assigned to any housing unit. However, custody staff from two separate institutions confirmed that the average ratio is one officer to 100 inmates per housing unit.
- K. Prisoner Protections for Family and Community Health Act, Penal Code section 6500, sets forth that the CDCR will provide condoms, free of charge, to inmates. Staff indicated they do not know the number of condoms actually used for their intended purpose; they speculate that a significant number are used to transport drugs within the prison.
- L. Prior to the Grand Jury’s visit, prison staff stated, in response to pre-visit questions, that inmates were to dispose condoms as instructed on the manufacturer’s box. In fact, the manufacturer’s box states to dispose of condoms in the trash. During the visit, the Grand Jury did not see any manufacturer instructions posted nor are they available to the inmates. Upon further inquiry, a copy of the pamphlet, produced and provided by the prison to inmates, indicates that used condoms are to be flushed down the toilet. The Centers for Disease Control and Prevention states that the proper disposal of condoms is to wrap them in tissue and throw them in a waste receptacle.

- M. The CDCR makes Family Liaison Service Specialists available to the facility. The Family Liaison Service is a community-based organization that provides an on-site case manager that facilitates family reunification. This assists inmates with a pre-release plan.
- N. WSP-RC participates in the Community Transitions Program, made available by the Division of Adult Parole Operation, assists with after care treatment such as housing placement within the community.

FINDINGS:

- F1. The Grand Jury felt concerned for their safety and the safety of the correctional officer standing within the housing unit with 117 inmates – this is unacceptable!
- F2. It appears prison staff have been given contradictory instructions on the proper disposal of condoms and this has not been addressed by CDCR since the publication of the Grand Jury’s report on the California City Correctional Facility.
- F3. Although inmate sex is illegal, its occurrence is a fact that must be addressed for the benefit of the inmates and their future partners. Those released into society will likely continue habits learned in prison. Learning the proper use and disposal of condoms is an important health issue.

COMMENTS:

The 2019-2020 Grand Jury would like to thank the staff at WSP-RC for an informative and thorough tour of the facility.

Despite being an unannounced visit, the Grand Jury found the prison to be clean and orderly and did not appear to be different from an announced visit.

RECOMMENDATIONS:

- R1. CDCR invite legislators to visit facilities so they have a first-hand view of staffing challenges. (Finding 1)
- R2. The Grand Jury urges the prison to seek a clear CDCR policy for the disposal of condoms that is consistent with the recommendations of the Centers for Disease Control and Prevention. (Findings 2 and 3)

NOTES:

- The California Department of Corrections and Rehabilitation, and Wasco State Prison-Reception Center should post a copy of this report where it will be available for public review

- Persons wishing to receive an email notification of newly released reports may sign up at: kerncounty.com/grandjury
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DIVISION OF ADULT INSTITUTIONS

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



September 1, 2020

The Honorable Presiding Judge
Kern County Superior Court
1415 Truxtun Avenue, Suite 212
Bakersfield, CA 93301

Foreperson
Kern County Grand Jury
1415 Truxtun Avenue, Suite 600
Bakersfield, CA 93301

Dear Presiding Judge:

This is in response to the 2019-2020 Kern County Grand Jury report of June 9, 2020, pertaining to Wasco State Prison (WSP). The following are responses to the "Findings and Recommendations" from the aforementioned Final Report:

FINDINGS**F1. Disagree**

WSP Administrative staff cares for the safety of all personnel and inmates that live and work inside of the institution. Staffing levels are established through a rigorous negotiation process with labor unions and the California Department of Corrections and Rehabilitation (CDCR). They are implemented by the Program Support Unit (PSU). PSU is a service-oriented unit responsible for analysis, guidance, and assist the Division of Adult Institutions (DAI) on issues related to fiscal, budgetary, personnel, inmate population, and institution resource needs. PSU defines the elements and criteria required for current and future identification, interpretation, and accommodation of inmate housing; plans and directs division wide inmate bed activations and deactivations; and reviews custody position staffing at CDCR institutions associated with inmate bed activations and deactivations.

F2. Disagree

Assembly Bill (AB) 966, the Prisoner Protections for Family and Community Health Act, took effect on September 26, 2014, and required CDCR to develop a five-year plan to extend the availability of condoms in all California prisons. A work group was created to draft the relevant procedures, which included staff from various areas of CDCR, including the Office of Labor Relations, Office of Legal Affairs, Office of the Public and Employee Communications, Legislation Office, Health Care Services and the California Department of Public Health. Based upon recommendations

given in 2015 from health agencies, as well as labor as labor negotiations, the condom disposal procedure recommended the inmate population to flush used condoms down the toilet. A pilot program was implemented at four prisons to test the feasibility of the overall program, to include the recommended method of disposal. Plant Operations staff were involved in the discussion regarding the method of disposal, and it was found the sewer systems at institutions could accept items such as condoms, as inmates routinely flush larger items. The prison sewers are designed with an end of the line grinding station followed by a bar screen with an automated lifting conveyor system that pulls the solid items out of the system, and dumps it into a sanitary container that is emptied on a regular basis.

To date, none of the 33 institutions who have been operating under these current guidelines for the past five years have reported a single system malfunction or failure as a result of disposing condoms in this manner. There are no issues with the method of disposal in the toilet because any condoms that are flushed are removed from plumbing as described above. It is understood that the CDC recommends disposing in a waste container; however, it is likely directed toward the disposal of condoms in households where disposing condoms in a toilet may cause issues in a household sewer pipe that do not occur in the prison sewer system. Furthermore, CDC recommendations likely do not take into consideration that incarcerated individuals do not empty their trash and the transfer of bodily fluids may occur when another party empties their trash container. Correctional staff conduct cell and area searches which leads to the increased likelihood of a staff member being exposed to bodily fluids and potential diseases. In the recent years of using the disposal method of flushing used condoms down the toilets, there have been no incidents of staff exposure to bodily fluids from used condoms.

F3. Agree

WSP agrees, learning good habits to take back into society is critical and understanding the proper use and disposal of condoms is an important health issue.

RECOMMENDATIONS

R1. *Not Implemented*

Due to COVID-19 precautions, and statewide restrictions implemented to reduce the spread of the virus, WSP has suspended all visits at the institution.

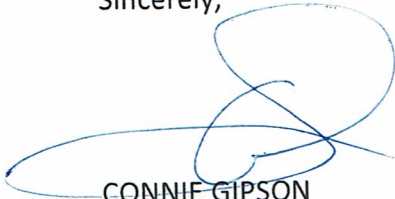
R2. *Not Implemented*

Currently WSP is following the guidance as provided from the CDCR work group and vetted through the Office of Legal Affairs and Office of Labor Relations. Please refer to F2.

On behalf of DAI, and the staff at WSP, I would like to thank the members of 2019-2020 Kern County Grand Jury for taking the time out of their busy schedules to visit and tour our institution.

If you have any questions, or require additional information, please contact John Sutton, Warden, WSP, at (661) 758-7000, or John.Sutton@cdcr.ca.gov.

Sincerely,



CONNIE GIPSON
Director
Division of Adult Institutions

cc: Kimberly Seibel, Deputy Director, Facility Operations, DAI
Charles W. Callahan, Deputy Director (A), Facility Support, DAI
Ron Davis, Associate Director (A), Reception Centers Mission, DAI
John Sutton, Warden, WSP