California Men's Colony

The California Men's Colony (CMC) is a prison on 356 acres, located on Highway 1, just north of the city limits of San Luis Obispo. It has two main wings, East and West. CMC is designated as a level III institution, which is a low to medium security prison under the jurisdiction of the State of California Department of Corrections. As of January 2004, there were 1561 employees, of which 937 are custody staff, including correctional officers, counselors and medical staff. The prison is under the direction of the CMC Warden.

CMC is charged with the primary mission of protecting society by safely housing its prisoners and involving them in work and education programs. The Grand Jury toured the facilities of CMC, and during those tours, we were encouraged to speak to the inmates, correctional officers, and staff. The Grand Jury observed that while old and overcrowded, CMC was well maintained. Our tour led to further research into the cost of their inmate food program, and into a Hearing Conservation Program (HCP) utilized by the Prison Industry Authority (PIA).

Authority/Jurisdiction for the Inquiry

California Penal Code § 919 (b) states, "the grand jury shall inquire into the condition and management of public prisons within the county."

Method

The information in this report was obtained through visits to the prison, interviews, and review of the California Code of Regulations and related documents. Members of the Grand Jury toured the East Wing on September 7, 2004, and the West Wing on September 10, 2004. In addition, they conducted interviews with the Prison Industry Authority (PIA) on October 26, 2004 and reviewed the revised (December 19, 2003) California Men's Colony Hearing Conservation Plan (HCP).

Narrative for CMC

Inmates in the CMC have four security risk levels, one being the lowest security risk and four the highest. The security risk levels are determined by a number of factors and can change at any time during an inmate's term. Although CMC is classified as a level III prison, it may at any time house inmates of all four levels in the facilities. This is due to reclassifications during an inmate's term, or an inmate being placed in one of CMC's specialized programs.

The East Wing houses inmates with medium to high security classifications in traditional prison cells. It also has a fully licensed hospital that can provide for most medical needs of inmates. If the hospital is unable to handle an illness or injury, the inmate is transferred to a medical facility outside of CMC. Inmates classified at a lower security level are housed in the West Wing, which has 32 dorms, a fire department and a gym. It also offers vocational and educational opportunities to its inmates. Currently, there are over 6000 inmates occupying these two wings, whose average age is 35, and who have an average grade level of 7.8 in the East Wing and 7.1 in the West Wing.

Tours of the East and West Wings included: inmate quarters, kitchens, educational facilities, work program facilities for Prison Industry authority (PIA), recreational yards, hospital, and mental health facilities.

During our tours we were encouraged to speak to the inmates, correctional officers, and staff. We observed that the interactions between the correctional officers and inmates were amicable and respectful. Inmates and staff were open to questions and were well informed about policies and procedures. As part of our tour of the East Wing, we received an inmate lunch served in one of the dining halls. The recreational yards in both wings were well maintained.

Inmates at CMC are assigned to either the East or West Wing depending on the security risk level assigned to them. The security levels for inmates can change during an inmate's

term. Inmates in the West Wing typically have no history of prison disciplinary action, no prior escapes, and have already served a majority of their prison term.

We observed that the housing facilities at both locations are old and overcrowded. The East Wing cells (5 ‘ x 8’) were designed for single occupancy; however, two inmates occupy each cell. The added second bunk is hinged on the wall and must be pulled down for sleeping, and pushed up in order to move about the cell. Design capacity for inmate beds in the East Wing is for 2400; as of January 2004, there were 3690 inmates assigned to the cells.

Inmates in the West Wing are housed in barracks, with a design capacity of 1484 inmate beds. As of January 2004, it housed 2837 inmates. We observed that there was very little room to move about in the barracks even with most of the inmates out in the yard or working.

Inmate Educational and Vocational Programs

Inmates are required to participate in either an education or employment program while at CMC. Education activities at CMC include instruction in English as a second language, basic and high school level classes, GED, business education (basic typing and business math, bookkeeping, business law and computers), and correspondence courses. The classes we observed were impressive; the students were actively participating with the instructors. We had an opportunity to speak with instructors and inmates. Conversations with inmates revealed that they appreciated the educational opportunities and the instructors’ time.

There are a limited number of vocational programs available to inmates to help them achieve entry-level skills in a trade. Participation in these programs is voluntary; however, once signed up, attendance is mandatory for the inmate. Instructors are credentialed teachers and they assist in job placement for inmates when they are paroled.

The substance abuse program, offered in the West facility, is provided for inmates with histories of drug and/or alcohol abuse. Walden House, Inc. directs the program that includes a combination of counseling, group activities and therapy. We observed the program in action and were encouraged to speak with inmate participants and Walden House staff.

Prison Industry Authority (PIA) – Employment Programs

The Prison Industry Authority administers programs that allow inmates to acquire work experience while incarcerated. We observed the manufacture of gloves, t-shirts, socks, and California State license plate stickers.

Narrative for PIA

The PIA administers a hearing conservation program designed to eliminate or control, in so far as is reasonable and practical, overexposure of employees (inmates and staff) to harmful noise. California Code of Regulations, Title 8, Article 105, Appendix A (CCR) established acceptable limits for the amount and duration of noise to which employees can be exposed. When it is found that employees are exposed to the upper limits of noise exposure during an 8-hour shift, a Hearing Conservation Program (HCP) is required. Such is the case at CMC. We reviewed the "Hearing Conservation Plan for Prison Industry Authority California Men's Colony, December 19, 2003 revision", and found it to be consistent with the requirements of the CCR.

The HCP specifies the steps to be followed to determine the level of noise exposure in PIA work environments, and the noise control measures (engineering, administrative or personal protective equipment) to reduce or eliminate the threat to employee hearing. Engineering controls include making changes in the machinery, the way machinery operates, or the design of the structure. Administrative controls limit employee exposure to noise in the workplace. When engineering and/or administrative controls are not feasible, hearing protectors are provided.

Five PIA worksites were identified for review to determine whether noise levels were within acceptable guidelines: Fabric – T-Shirt, Knitting Mill, Knitting Mill Annex, Lower Level Laundry, and Shoe Factory. Implementation of engineering and/or administrative controls exempts the T-Shirt Factory, Knitting Mill Annex, and Lower Level Laundry from enrollment in the HCP. Employees in the Knitting Mill and Shoe Factory must be enrolled in the HCP and the Audiometric Testing Program.

Guarding Against Hearing Injury

The most effective way to guard against employee hearing injury is to mandate that all employees who work in an identified excessive noise level worksite:

- wear appropriate hearing protectors,
- receive a baseline audiometric test prior to the time of initial exposure,
- receive a follow-up audiometric test annually, and
- receive a follow-up audiometric test when an employee ceases employment at that worksite.

These audiograms are necessary to monitor and track the status of employee hearing. Wearing hearing protectors helps to forestall hearing loss. CMC and the State of California are responsible for any deterioration in hearing, beyond that which is age related, that occurs during the period workers are exposed to the high noise level areas.

At the time of our inspection, employees enrolled in the HCP could choose not to have their hearing tested, and were not required to wear hearing protectors.

An outside contractor, using a mobile test van, offers audiometric testing every six months. As inmate employees enter and leave PIA employment on an irregular basis, the result is that some audiograms may be delayed or missed.

Both PIA staff and inmate employees who participate in the HCP are covered by the State Workers Compensation Act and are eligible for disability awards for illness or injury occurring during their employment.

Findings for PIA

1. PIA staff and inmate employees are enrolled in the HCP and the Audiometric Testing Program. All inmate employees can either have their hearing tested or sign a statement (waiver) acknowledging that they were offered audiometric testing. PIA staff is currently not tested.

2. PIA management does not ensure that initial baseline, annual follow-up and end-exposure audiometric testing of employees enrolled in the HCP program is done.

3. The HCP-prescribed use of personal protective equipment is not enforced.

4. Because audiograms are performed semi-annually by an outside contractor using a mobile test van, the audiograms of some exposed employees may be delayed or missed.

5. Records maintained in connection with the HCP may not give an accurate picture of the HCP status because complete audiometric test data on employees may not be collected.

Recommendations for PIA

CMC should take those actions that are necessary to safeguard the hearing of its employees and help prevent Workman's Compensation Disability claims. Therefore, we recommend that the Department of Corrections, CMC and PIA management address these issues:

1. Make the following tests mandatory:
    a. Baseline audiometric tests for every individual at the time of initial entry or reentry into the program.
    b. Annual retesting.
    c. Final testing when an employee leaves the program. (Findings 1 and 2)
2. Compile the results of the above tests. (Findings 4 and 5)
3. Enforce the use of personal protective equipment. (Finding 3)

4. Make audiometric testing and mandatory use of personal protective equipment conditions for assignment to the program. (Findings 2 and 3)
5. Measure the effectiveness of the prescribed controls. (Finding 5)
6. Establish an audiometric testing facility within the PIA or CMC to ensure comprehensive coverage. (Findings 2 and 4)

Narrative for the Inmate Food Program

During the presentation segment of our tour of CMC, the budgeted dollar amount of $2.45 per day, per inmate, food cost was discussed. We made an inquiry into aspects of CMC's "food program" for fiscal year 2003/2004. The Grand Jury interviewed prison management, reviewed prison documents, and other data supplied by CMC.

As a result of our investigation, based on the budgeted amount of $2.45 per day and an average daily inmate population of 6500, we found an unaccounted for difference of $351,700 in FY 2003/2004. It was later brought to our attention in a California Department of Corrections document that the actual daily expenditure per inmate was $2.55. This still resulted in a discrepancy of $114,000 for FY 2003/2004.

Finding for the Inmate Food Program

1. There is an unaccounted for difference of $114,000 between the amount actually spent (CMC financial statement) and the amount reported in the California Department of Corrections document.

Recommendations for the Inmate Food Program

1. The State Bureau of Corrections should conduct an independent operations audit of the inmate food program at CMC.
2. If the State Bureau of Corrections cannot conduct such an audit, then an independent auditor should conduct an operations audit of the inmate food program at CMC.
3. Depending on the findings of the operations audit, it may be necessary to hire an independent investigator to determine how the shortfall occurred.

Conclusion

The mission of the California Men's Colony is to protect society by safely housing its inmates and involving them in work or education programs. We found that it satisfies this mission. Inmates are provided food, housing, clothing, and medical and dental care. In addition, there are programs for education, employment and rehabilitation. CMC staff provides for the inmates within the constraints they have from the courts, the current facilities and the budget.

Required Responses

Pursuant to California Penal Code §933 and 933.5 stated below, the following agencies are required to respond to the findings and recommendations contained in this report:

1. The California Men's Colony, due May 31, 2005
2. The Department of Corrections due June 30, 2005, and
3. The Prison Industry Authority due June 30, 2005

The California Penal Code §933 and 933.5

933. (c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury.

933.05. (a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding.

(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore