

DIVISION OF ADULT INSTITUTIONS

SALINAS VALLEY STATE PRISON
P.O. Box 1020
Soledad, CA 93960
(831) 678-5500



June 28, 2007

The Honorable Stephen A. Sillman
Presiding Judge
Superior Court, County of Monterey
PO Box 414
Salinas, CA 93902

Dear Judge Sillman,

Salinas Valley State Prison (SVSP) has reviewed the Law Enforcement section of the Grand Jury 2006 Final Report. In accordance with the California Penal Code, the following are the institutional responses to the Grand Jury findings and recommendations:

The Grand Jury Findings and Recommendations are not in bold type, the SVSP responses are in **bold type**.

Findings (as listed in the 2006 final report):

F 13.1 SVSP continues to be severely overcrowded.

Salinas Valley State Prison (SVSP) agrees with this finding, SVSP is designed to house 2410 inmates but presently houses 4787 inmates.

F 13.2 CDCR has not provided SVSP with stable and consistent leaders at the warden level over the last ten years. The present warden served over 23 months in an acting capacity.

SVSP acknowledges the fact that the Warden position changed many times in the 1st 8.5 years of years the prison's existence, which created, at times, a lack of continuity. It is not atypical for an organization to suffer a lack of continuity during administration changes; however, the current Warden has been in place 29 months (19 in an acting capacity and 10 as a Governor's appointee). CDCR is aware of this systemic issue and is taken appropriate steps to address this issue.

F 13.3 Vertical communication, both up and down the chain of command, appears to be inadequate.

SVSP disagrees with this finding. To the extent that some staff may feel that there is a lack of communication in any large organization, this

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viewpoint is understandable. However, from a systemic perspective, communication is not inadequate. The issue of enhanced communication has been identified; and, where improvements can be made, SVSP will make adjustments.

F 13.4 Interpersonal communication, both up and down the chain of command, appears to be lacking and ineffective.

SVSP disagrees with this finding. While there is always room to improve communication and interpersonal working skills, the institution contends this finding reflects the opinion of only a small portion of the staff and is not an overarching dysfunctional issue.

F 13.5 There is a lack of consistent understanding of the mission of SVSP across a wide spectrum of mid- and working-level SVSP staff.

SVSP does not fully agree with this finding. SVSP has implemented many new programs in recent years. Administrators, staff and inmates must adapt to a changing environment. This creates a natural learning curve, however; all have adapted quickly and many smooth and successful transitions have occurred.

F 13.6 CCPOA's reluctance to change or re-negotiate the existing contract regarding minimum length timeline for inter-prison transfers contributes to the transient nature of the correctional officer workforce at SVSP.

SVSP disagrees with this finding. The staff that wish to transfer to other areas of the state usually come from other areas and wish to return. The high cost of living in Monterey County is the single largest contributing factor for staff transfers. Many staff have stated that they would stay if they felt that they could afford to.

F 13.7 Mandatory overtime for the correctional officers, supervisors, medical, and other key staff at SVSP, in order to meet baseline operations, has generated additional personnel transfer requests.

SVSP partially agrees with this finding in that not all staff wish to work the volume of overtime presently at the prison; however, some staff rely on the overtime to offset the high cost of living.

F 13.8 High vacancy rates, promotion opportunities at other prisons, and lateral transfers to other institutions all contribute to the instability and inconsistency of

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SVSP management.

High vacancy rates, promotion opportunities at other prisons, and lateral transfers to other institutions all contribute to staffing vacancies, but not necessarily instability or inconsistency in management. The management team has been turned over in its entirety over the past 30 months due to retirements, promotions and transfers; however, the prison continues to excel in many areas and has demonstrated improvement in many others. These factors are consistent throughout the department and succession planning is an integral part of prison management.

F 13.9 Imposition of a temporary transfer freeze by CDCR has reduced the current staffing shortfall, but is not a permanent solution to the staffing problems.

SVSP agrees with this finding.

F 13.10 SVSP administration, record keeping, and processing, while well organized and managed, need to be modernized.

SVSP agrees with this finding, in that modern technology would aide in better record keeping, tracking and information management. This is, however, a system wide issue that is being addressed at the Agency level.

F 13.11 SVSP management has no program to provide a cost-of-living or adequate housing allowance for employees who live in Monterey County's high-cost environment.

SVSP agrees that the high cost of living for staff is a difficult factor to contend with when attempting to retain staff. Providing additional housing stipends to staff to combat the high cost of living in Monterey County is not within the authority of SVSP and is being addressed at the Agency level.

F 13.12 SVSP management has a limited program to reward or recognize superior performance by its work force.

SVSP partially agrees with this finding and is working on ways to acknowledge staff efforts and hard work.

F 13.13 SVSP management has no discretionary method to reward employees with incentives such as salary increases, spot bonuses, or recognition dinners.

SVSP recognizes its limitations to provide incentives to employees for

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recognition. SVSP is obligated to follow existing policies, procedures and protocols for civil service merit salary adjustments. SVSP fully utilizes all available existing Agency approved methods to reward staff.

F 13.14 The elimination or curtailment of SVSP educational, vocational, and jobs program has contributed to the restlessness and agitation of inmates.

In general, SVSP partially agrees with the finding that educational, vocational, and jobs programs have proven historically to be beneficial to the inmate population and promote rehabilitation. With that said, the true impact of the absence of these programs on inmate restlessness and agitation is difficult to ascertain without qualitative and quantitative data. Acquiring this type of data is a system-wide issue, which is being addressed at the local and Agency level.

F 13.15 Correctional officers and first-line supervisors are concerned about being exposed to the HIV virus and the long-term effects of frequent and repetitive use of HIV-treatment drugs.

SVSP recognizes the inherent risks associated with the incarceration of Level IV male offenders. Universal precautions are taught and adhered to by the staff. Exposure by staff to inmate bodily fluids is a felony when an inmate intentionally causes the exposure. Protocols for employee exposure to human bodily fluids are adhered to when staff are exposed. This would include the critical timeframes associated with proper care and treatment for exposure. SVSP considers safety for the public, inmates and staff to be paramount.

F 13.16 The high cost of living in Monterey County is one of the principal reasons for SVSP medical and other non-correctional staff personnel leaving prison employment.

SVSP agrees with this finding.

F 13.17 Low salaries, compared to compensation offered by surrounding medical facilities, contribute to the lack of well-trained and qualified medical employees at SVSP. The recent pay raises ordered by the Receiver may mitigate the problem. Impact of the raises cannot be determined at this time.

SVSP partially agrees with this finding, in that the impact of raises will not be known until some time has passed and there is data to assess. SVSP employs qualified medical professionals and contract personnel. It is the

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responsibility of SVSP to train medical contract staff to operate in the prison context.

F 13.18 Personnel turnover problems could be eased partially by locally controlled differential pay and merit pay programs for non-correctional staff at SVSP.

SVSP partially agrees with this finding in that more pay would most likely increase staff retention; however, it is not within the scope of SVSP authority to provide such increases.

F 13.19 Laboratory services could be enhanced with input from SVSP medical personnel into the procurement of off-site service contracts.

SVSP takes no position on this finding, as there is no way to determine the validity of the finding. SVSP is obligated as a state agency to utilize state contracting protocols and will continue to utilize the existing protocols, as well as work with the Receiver's office to establish service contracts.

F 13.20 Cessation of vocational and work programs and reduction in educational programs have increased the requests for medical appointments and drugs.

SVSP agrees anecdotally with the idea that idleness by inmates can drive increases in medical drug use; however, there is no empirical evidence to support this contention.

F 13.21 SVSP does not offer inmates sufficient opportunities to acquire education or learn skills that would facilitate their re-entry into society. However, programs are planned for expansion in the future.

Salinas Valley State Prison agrees with this finding. Since the Grand Jury tour of SVSP, however, the Educational Program has successfully addressed these issues by implementing Coastline Community College courses, GED graduations, Breaking Barriers and Alternatives to Violence programs, as well as expanded inmate access to self help groups such as Alcoholics and Narcotics.

F 13.22 Alternatives to confinement in the prison medical facility for comatose or terminally ill inmates would free bed space for other inmates.

SVSP agrees with this finding, although such inmates comprise a very small number as a percentage of the total population. However, SVSP does not

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have the authority to provide corrective action. Management of bed space, while a local prison issue is part of a much larger departmental issue and the authority to affect change is retained at the Agency level. The Agency is working with the Receiver's office to explore viable options in this area.

F 13.23 The SVSP medical facility, despite difficulties, appears to be a well-run operation where the needs of the inmates are the primary focus of the staff.

SVSP agrees with this finding as have, in general, the Prison Law Office, the Receiver, Robert Sillen, and the Armstrong and Coleman court appointed monitors.

Recommendations (as listed in the 2006 final report):

R 13.1 SVSP and CDCR should continue efforts to reduce overcrowding.

SVSP as part of the Department of Corrections and Rehabilitation (CDCR) is subject to house inmates that are assigned to the prison through the Population Management Unit of the Agency. SVSP works very closely with that unit to house departmental inmates in the most effective and efficient manner. SVSP will continue to employ improved recidivism reduction strategies in an attempt to alleviate overcrowding by helping inmates modify behavioral patterns that lead to criminality and incarceration.

R 13.2 SVSP management should communicate to CDCR that institutions like SVSP need to have permanent, stable, long-term personnel assignments (e.g., permanent rather than acting wardens) that will help create a positive long-term relationship between senior management and staff.

SVSP and CDCR are aware of the impact that continuity of staff has on the inmate population and the staff. The CDCR has taken this recommendation under advisement and is addressing it through succession planning.

R13.3 SVSP management should develop, implement, and measure new programs for enhancing vertical and interpersonal communications among members of the staff.

Salinas Valley State Prison, as in any large organization, is attempting to improve communication continually. The Warden attends Block Training and New Employee Orientation every week. In this venue, he is able to meet with and address every staff member employed at SVSP (contract employees included) as they are hired and during their mandatory annual training. This step has improved communication from the top of the organization all the

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way down through to the line staff. Additionally, the institution has formed an employee group, from all levels and all disciplines, entitled “Facilitators of Culture Change”, whose expressed purpose is to enhance communication and promote positive culture changes for staff and inmates alike.

R 13.4 SVSP management should request that CDCR renegotiate the contract with the CCPOA to require a minimum of two years duty at a prison before transfers may be requested.

This recommendation is not one that Salinas Valley State Prison can pursue outside of the structure of the Office of Labor Relations and the State Department of Personnel Administration. CDCR has been apprised of this recommendation.

R 13.5 SVSP management should request that CDCR consider revising assignment policies to allow overlapping time periods for key positions at the institution. This would enhance continuity and facilitate cohesive leadership in key staff positions while still allowing for promotion opportunities and lateral transfers between institutions.

SVSP has reviewed this recommendation and it is beyond the institution’s authority. The positional authority is granted by the Governor’s budget and many bargaining unit MOU’s govern the distribution of institutional assignments.

R 13.6 SVSP should collaborate with Correctional Training Facility (CTF) to support and facilitate the development of the program designed to provide affordable housing for corrections personnel on the grounds of the two prisons. (See section 14 of this report.)

The SVSP and the CTF Wardens have collaborated to address staffing shortages and staff retention strategies. They have submitted several proposals for approval to CDCR administration and work closely with the administration and other state departments in addressing this issue.

R 13.7 Because of the extremely high cost of housing in Monterey County, SVSP management should request that CDCR consider providing a local, non-union-negotiated, differential cost-of-living or adequate housing allowance (similar to those allowances given to military personnel who reside in high cost areas of the country) to correctional officers and medical staff.

SVSP has requested of CDCR assistance in this regard and CDCR, as an

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agency, has taken this recommendation under advisement.

R 13.8 SVSP management should request that CDCR consider making testing for HIV a requirement for all prisoners entering California's prison system.

CDCR as an agency will take this recommendation under advisement, however prevailing statutes preclude such testing.

R 13.9 SVSP management should request that CDCR consider instituting a merit pay system for non-correctional personnel that would be administered locally at each institution, in order to compete with salaries in the private sector.

This recommendation is not reasonable for SVSP to pursue in that to establish a merit pay system would violate statutory mandates, as well as policy and labor agreements as a state entity.

R 13.10 SVSP management should request that CDCR automate and update the antiquated records management system throughout CDCR institutions.

CDCR has taken this recommendation under advisement to review; and has many programs in various stages of implementation to address this issue.

R 13.11 SVSP management should continue plans to expand educational opportunities and to re-establish vocational and work programs to facilitate inmate re-entry into society. These programs may also contribute to a reduction in inmate requests for medical appointments and drugs.

SVSP has already expanded educational options for inmates since the 2006 tour. Breaking Barriers and Alternatives to Violence classes are fully functional. The GED program is growing in graduates and the Coastline Community College is being utilized by more inmates. Reactivation of select vocational programs is tentatively scheduled for early May 2007.

R 13.12 SVSP management should request that CDCR consider using the expertise of SVSP laboratory personnel when developing contracts and selecting providers of off-site services.

CDCR has taken this recommendation under advisement and is working with the Receiver's office to facilitate a fully functional contract system.

R 13.13 SVSP and CDCR should consider the alternatives to continued confinement in the prison's medical facility for inmates who are comatose or

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terminally ill.

CDCR has taken this recommendation under advisement and is working with the Receiver's office to develop programs to address the most appropriate housing for similarly situated inmates.

R 12.2 Monterey County Law Enforcement agencies not utilizing the Taser should evaluate its use by their agencies.

CDCR previously utilized the Taser for internal operations until an administrative decision suspended the use of the Taser in the early 1990's.

Thank you for your review of these responses and for the Grand Juries' time spent at Salinas Valley State Prison both in the informational meetings and the tour of the facility. The Grand Jury was gracious to our staff, presented many questions and listened carefully to responses. They represented well the values and interests of our community. If you any questions please feel free to contact me at 678-5566.

Sincerely,

M. S. Evans
Warden
Salinas Valley State Prison