

**California Rehabilitation Oversight Board Minutes**  
**March 3, 2010 Meeting**

The California Rehabilitation Oversight Board (C-ROB) met in open session on March 3, 2010, at the California State University, 3020 State University Drive South, Modoc Hall, Sacramento, California.

**Board members:** Present at the meeting was David Shaw, Inspector General (Chairman); Matt Cate, Secretary, Department of Corrections and Rehabilitation (CDCR); Ron Selge, Dean, Career Technical Education, California Community Colleges (Designee for Jack Scott, Chancellor, California Community Colleges); Renée Zito, Director, State Department of Alcohol and Drug Programs; Stephen Mayberg, Director, Department of Mental Health; Susan Turner, Professor, University of California, Irvine (President of the University of California appointee); Bruce Bikle, Professor, California State University, Sacramento (Chancellor of California State University appointee); Gary Stanton, Sheriff, Solano County (Governor appointee); and, Loren Buddress, Retired Chief Probation Officer (Senate Committee on Rules appointee); and, William Arroyo, Regional Medical Director, Los Angeles County Department of Mental Health (Speaker of the Assembly appointee). Absent from the meeting was Debra Jones, Administrator, Adult Education Programs (Designee for Superintendent of Public Instruction).

**Office of the Inspector General staff:** Barbara Sheldon, Chief Counsel; Laura Hill, C-ROB Executive Director; Ann Bordenkircher, C-ROB Secretary, and Jamie Sammut, C-ROB Analyst.

**Panel Presenters:** Susan Lawrence, M.D., Catalyst Foundation; Deborah Tidwell, retired Correctional Sergeant; Hugo Machuca, former inmate in the Positive Programming Facility; Marion House, former Chairperson of the Inmate Family Council at California State Prison, Los Angeles County; Jennifer Hansen, Esquire; Terri McDonald, Chief Deputy Secretary, Adult Operations, CDCR; Michele Minor, Chief, Rehabilitative Program Planning and Accountability, CDCR; Michael Donahue, Chief, Information Quality Support Section, Office of Research, CDCR; Cynthia Florez-DeLyon, Director, Division of Adult Rehabilitative Programs, CDCR; and Steve Hendrick, Chief, Prison Programs, Division of Addiction and Recovery Services, CDCR.

**Public Comments:** Darrell Lind, Director of Clinical Services, The Positive Programming Facility; Tommy Lee Wickerd II; Alia Hartman; Jim Shortt; Dave Bruyette; Elizabeth Esterly; Sandy Clark; Sue Sumonnath; Margaret Mercado; David Warren, Lobbyist, Taxpayers for Improving Public Safety (TiPS); Susan Lawrence, M.D., Executive Director, The Catalyst Foundation; Patrick Wilson; Marion House; and Deborah Tidwell, retired Correctional Sergeant.

**Item 1. Call to Order.**

Chairman Shaw called the meeting to order at 1:38 p.m.

**Item 2. Introductions and Establish Quorum.**

The Chairman introduced OIG staff present at the meeting, asked the Board members to introduce themselves, and then noted that a quorum was established.

### **Item 3. Review Agenda.**

Chairman Shaw advised that the purpose of the meeting was to receive an update on the Positive Programming Facility; have a discussion and board decision on the March 15, 2010 draft report, which covers July through December 2009; and to receive public comments on any matter under its jurisdiction.

### **Item 4. Review and Approval of the February 3, 2010 Minutes.**

The Minutes from the February 3, 2010 board meeting were unanimously approved.

### **Item 5. Catalyst Foundation: Rehabilitative Benefits of the Progressive Programming Facility (PPF, formerly known as the Honor Program) at California State Prison, Los Angeles County.**

This Agenda item was a panel presentation. The Minutes reflect the opinions of the panel presenters.

The panel of presenters discussed the history of what was formerly known as the Honor Yard and their belief that childhood abuse and trauma are the driving force behind crime, violence, and the crisis of incarceration. The PPF was created to help prisoners look at these events in their lives and work through them to create a positive change. In its first year of operation in 2001, the yard showed significant (over 80%) reductions of violence, weapons, and work related charges. These reductions amounted to a savings of over \$200,000 in staff time.

The panel estimates that if expanded to all 23 eligible facilities the cost savings would be in excess of \$8 million annually just in staff time. This does not account for reduction in health care costs from incidents, reduction in workers compensation, reduction in administrative segregation costs, and a reduction in recidivism. A few of the programs run out of the PPF in its first few years of operation that aid prisoners are: Artists Serving Humanity, Convicts Reaching Out to People, Creating a Healing Society, Eye Glass Refurbishing, Coastline Community College Programs, and Men for Sobriety. There is worry that the long-standing cultural paradigm of the California correctional system cannot be overcome by the PPF and that in the end the yard will cease to exist.

It was stated that the PPF creates an environment where inmates do not have to worry about their safety. When inmates are worried about safety and security constantly they do not have time to think about why they made bad choices, what led to the crime and why they committed the crime. Currently, there are gang members being put on the yard, and the program is being threatened because inmates have to fear for their safety.

Inmates sentenced to life with the possibility of parole need to be in programming. The parole board looks at gaps in programming and the programs the inmate completed in determining if the inmate is parole eligible. The PPF is discussed at parole hearings and the inmate is looked on favorably at hearings when the inmate is a member of the PPF program.

#### **Public Comment:**

**Darrell Lind, Director of Clinical Services, The Catalyst Foundation,** stated that rehabilitation is a process, and he thinks the PPF is a place where that process can start. It is a relatively safe place where people can start the journey of introspection and recovery. He has

never heard anyone speak publicly against the program, and he does not understand why it is not supported. He knows change is hard and difficult, and he thinks someone needs to be a champion for it.

**Tommy Lee Wickerd II** stated that this is his third time before the board and reminded the board members that actions speak louder than words. He needs the PPF back to what it used to be so his Dad can have a non-violent and drug free place to live.

**Alia Hartman** told the board that the PPF is not being run as it should and these inmates who are allowed in the yard are bringing drugs, weapons and violence with them. These things results in lockdowns and lockdowns mean inmates cannot contact the outside world.

**Jim Shortt** said that he would not be standing before the board today if it was not for the PPF and the programs that it established. He does not know how the men on the yard are going to rehabilitate when CDCR has taken away the education, the vocation, and every program the yard has set up.

**Dave Bruyette** expressed his opinion that the taxpayers of California need to be convinced that the PPF works because the state has no money, and the program delivers quantifiable results and is cost effective. It is not only the right thing to do but also the fiscally responsible thing to do.

**Elizabeth Esterly** expressed concern over the amount of waste: waste of a person behind bars, a waste to not do whatever it takes to prevent recidivism, and a waste to not support the PPF.

**Sandy Clark** stated that she and her late husband, attorney William Allen Clark, heard from an inmate in the PPF that the officers do not care what CDCR headquarters says, and the staff at LAC does not support the yard. The PPF saves the taxpayer's money, rehabilitates men, and provides safety to the correctional officers. She asks the board to please see the yard become fully operational and to have the staff at LAC perform the duties required by CDCR.

**Sue Sumonnath** stated that the strict standards and strict criteria developed for participation in the PPF have either been lowered or ignored throughout the years. The yard allows PPF participants to express their creativeness and help other people.

**Margaret Mercado**, told the board that action is what speaks volumes, not words. Inmate Leisure Time Activity Groups (ILTAG's) have lost the ability to raise money in the last two years because the administration does not sign off on the approval of the sales. The money from the sales buys paint for artists, strings for the musicians, and textbooks for the college students. Only two groups are functioning on the yard right now, and she knows a volunteer who tried to sponsor two programs and was denied. Recently men tried to mentor by conducting art classes in a multipurpose room and were kicked out because the staff was using the room as a lounge. She does not see the action to keep the yard going when textbooks from an approved vendor sit in a warehouse for a month, and when college and correspondence courses that are of no cost to the state are stopped.

**Patrick Wilson**, expressed his appreciation for the teachers' presentation at the last board meeting. He believes CDCR needs more input from people who live in the prison. He believes

CDCR's goal is to destroy inmates and to make prison a hell hole so inmates do not want to come back.

**Item 6. California Department of Corrections and Rehabilitation (CDCR): Update on the Implementation of the Progressive Programming Facility.**

CDCR caused the PPF to be temporarily discontinued, partly because of population pressures and cell shortages which exist on Level 4 yards throughout the prisons. These population issues became problematic in 2005-2006 when the inmate population hit its absolute maximum capacity. Non-traditional beds are now being reduced but not enough in the Level 4 environments.

Self-help groups are relied upon at California State Prison, Los Angeles County (LAC), and CDCR has lost some on that yard, but they are currently working on locating programs. CDCR also confirmed with the Warden that Alcoholics Anonymous (AA) and Narcotics Anonymous (NA) are currently running on the yard. Secretary Cate and CDCR are dedicated to making the PPF operate as intended. When board members asked when the yard will be fully operational with only the intended population, CDCR responded they could not give a specific date, and with the overcrowding in the Level 4 population there will probably always be some problematic offenders on that yard. With the creation of the sensitive needs yards in 2000 many offenders requested to go there and not to the PPF.

CDCR mentioned that just because other yards at other prisons do not have the same PPF title does not mean they are not doing the same thing. Inmates were notified that the PPF exists, but many of the potential participants moved to sensitive needs yards instead. Currently, of the 600 beds for the yard about 500 are inmates who have signed the agreement. If an inmate is disruptive he is removed from the yard. The board requested a population management update at the next meeting to further examine and understand the population issues tied to the PPF.

**Public Comment:**

**Susan Lawrence, M.D., Executive Director, Catalyst Foundation**, knows that if the will exists for the population to be found then it will happen, just as it did for the demonstration project at California State Prison, Solano.

**Deborah Tidwell, Retired Correctional Sergeant**, thinks that trading inmates one for one from another institution will make it so the yard can be all PPF volunteer inmates.

**Hugo Machuca** stated that money allocated to have AA and NA supervised on the weekends has been gutted, and there are no longer volunteers so the meetings are not allowed to take place. He thinks firing staff who do not comply would set the tone throughout the prisons.

**Marion House** told a story about an inmate recently brought to the yard who created havoc. She thinks there are inmates all throughout CDCR prisons who want to program who are not being brought to the yard. Convicts Reaching Out to People (CROP) is one of only a few leisure time programs still in operation, and it has not held a presentation since November. This program impacts the lives of youth before they end up in the prison system.

**Jennifer Hansen** wanted to clarify that she thought that AA was not taking place at LAC because when she called AA of Lancaster to enroll an inmate client, AA said they would no longer have the volunteers to work at the prison.

**Darrell Lind, Director of Clinical Services, The Catalyst Foundation**, stated that he knows change is difficult but he finds it hard to believe that CDCR cannot find a Level 4 inmate who wants to program. He believes change is needed, and that someone needs to step up to the plate.

**Jim Shortt** stated that he knows people who want to rehabilitate but are told they cannot go to LAC because there are no available beds.

**Dave Bruyette** expressed that he thinks everyone wants the same thing but that CDCR does not have the money. He urges CDCR to reach out to the private sector and see if there are things with which they can help.

**Elizabeth Esterly** stated she hopes there is a waiting list for the PPF and that she does not understand how volunteer programs cost CDCR money.

**Sue Sumonnath** stated that she has looked at other states and thinks that if CDCR models the PPF after those states they will be able to cut their inmate-to-staff ratio and save money towards the \$250 million cut.

**Margaret Mercado** told the board that there are people who want to come to the yard. She said buses come every day to bring inmates and take inmates away so she thinks it should be able to happen. She mentioned the use of Habitat for Humanity in prisons in other states and that LAC was contacted two years ago about having the program without results.

**Patrick Wilson** expressed his belief that if Secretary Cate wanted something done it would get done and, if you read the writing on the wall, CDCR does not want the PPF. He believes releasing some inmates who are not harmful to the public would be a good way to make room for the PPF.

**David Warren, Lobbyist, Taxpayers for Improving Public Safety**, asked the board to consider faith-based programs when seeking presentations for meetings because participants in these type programs have a recidivism rate of approximately 2 percent. He suggests the board requests that volunteers to the AA and NA prison programs explain to the board the various difficulties in programming with limited staff to supervise. Mr. Warren asks that people do not judge solely on what one person or one small group experiences because when he has a problem at an institution he goes to the staff, and it is corrected.

#### **Item 7. Board Discussion of the March 15, 2010 Draft Report.**

Chairman Shaw thanked the report writing subcommittee, CDCR, and the board for all of the hard work and great feedback on the report. CDCR had no changes to the report and gave an update on the interim data solution discussed at the last meeting.

An interim solution that will capture input and output data associated with academic and vocational programming is being piloted at four institutions: Mule Creek, Sacramento, Folsom, and Solano. The

information captured will be offender level data, and it will also assist teachers in instructing their students. CDCR will provide the board with the results of the pilot.

The board members commented that they thought the March 2010 report was the best report C-ROB has released to date.

**Public Comment:**

**Darrell Lind, Director of Clinical Services, The Catalyst Foundation**, stated that there are creative ways to work around budgetary shortfalls and, there are things that can be done besides just line iteming rehabilitation out of the budget.

**Susan Lawrence, M.D., Executive Director, Catalyst Foundation**, told the board that she was disturbed to hear that CDCR thought the PPF was up and running and that there will always be some non-PPF inmates on the yard. She believes if the administration wants the yard to be there, it will be there and that the culture in CDCR needs to change.

**David Warren, Lobbyist, Taxpayers for Improving Public Safety**, thinks the report is insufficiently strident and does not tell how bad things really are in the prisons.

**Margaret Mercado** told the board that staff are speaking out against the PPF and that the PPF is being torpedoed. She thinks the PPF should be used as a model for rehabilitative programming.

**Hugo Machuca** stated that people who have come up through the ranks are giving excuses on how things cannot be done instead of the reasons why things can be done. He believes the public wants people from the PPF paroling, not inmates who have been sitting idle, and he reminded the board that 90 percent of inmates parole.

**Patrick Wilson** expressed his belief that the board should look at minutes from the Men's Advisory Council meetings and Inmate Family Council meetings. He believes if the board asks for the minutes they will not get them.

**Marion House** reminded the board that their decisions on the PPF not only affect inmates but also affect the families of the inmates on the outside. She thanked the board for its anticipated quick implementation of the PPF and their time.

**Item 8. Board Decision Regarding the March 15, 2010 Draft Report.**

There being no further discussion, Chairman Shaw called for a motion to approve the March 15, 2010 Biannual Report, as amended. On motion so made, and seconded, the report was approved.

**Item 9. Future Board Meeting Schedule.**

Chairman Shaw confirmed that future board meeting dates were agreed to at the February 11, 2009 board meeting. Those dates were July 14 (all-day) and September 1 (afternoon).

**Item 10. Future Agenda Items.**

Board members requested information on: population numbers to see how CDCR is going about trying to fill the approximately 600 beds at the PPF; Requested the results of the interim data solution pilot being held at four institutions: Mule Creek, Sacramento, Folsom, and Solano; Wanted to know what types of programs were offered to parolees in the community and what is the model being used; Whether parolees are released with relevant information to help providers in the community better serve the parolees; Budget update; and cost and operation of volunteer programs.

**Item 11. Public Comment.**

**Deborah Tidwell, Retired Correctional Sergeant**, stated she thinks CDCR can make the PPF happen if CDCR starts with just a couple of yards with only PPF buildings on the yard.

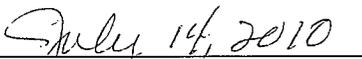
**Sue Sumonnath** stated that she knows that it is difficult but that if CDCR wants something done it can get done.

**Patrick Wilson** expressed his belief that failing the classification test and getting put in a classroom is better than passing the test. He thinks the numbers are skewed because the inmates are working the system.

**Item 12. Adjournment.**

Chairman Shaw thanked board members, CDCR, OIG staff, and members of the public for their participation in the meeting. There being no further business, the meeting adjourned at approximately 4:58 p.m.

  
C-ROB Secretary

  
Dated

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