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Office of the Inspector General

**Sixth Report on the California
Department of Corrections and
Rehabilitation's Progress
Implementing its
*Future of California Corrections
Blueprint***



September 2015

**Fairness ♦ Integrity ♦ Respect ♦
Service ♦ Transparency**

Office of the Inspector General

Sixth Report on CDCR's Progress Implementing its *Future of California Corrections Blueprint*



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FOREWORD

In July 2012, the oversight role of the Office of the Inspector General (OIG) was expanded when the Legislature tasked the OIG with monitoring the California Department of Corrections and Rehabilitation’s adherence to *The Future of California Corrections: A Blueprint to Save Billions of Dollars, End Federal Court Oversight, and Improve the Prison System* (the *Blueprint*).

To monitor implementation of the *Blueprint*, the Legislature passed and the Governor signed legislation adding language to California Penal Code, Section 6126, mandating that the OIG periodically review delivery of the reforms identified in the *Blueprint*, including, but not limited to, the following specific goals and reforms described in the *Blueprint*:

- Whether the department has increased the percentage of inmates served in rehabilitative programs to 70 percent of the department’s target population prior to the inmates’ release;
- The establishment of and adherence to the standardized staffing model at each institution;
- The establishment of and adherence to the new inmate classification score system;
- The establishment of and adherence to the new prison gang management system, including changes to the department’s current policies for identifying prison-based gang members and associates and the use and conditions associated with the department’s security housing units; and
- The implementation of and adherence to the comprehensive housing plan described in the *Blueprint*.

This report represents the results of the OIG’s sixth review of CDCR’s implementation of the *Blueprint*. This *Blueprint* report is the OIG’s first report without the assessment of rehabilitative efforts, as the review of rehabilitative goals was merged into the California Rehabilitation Oversight Board’s (C-ROB) September 15, 2015 Annual Report, which also tasks the OIG with conducting fieldwork in assessing rehabilitative efforts. As shown in the C-ROB report, the department made progress in implementing some measures to reach some benchmarks identified in the *Blueprint*, but it was unable to attain its goal of placing at least 70 percent of its in-prison target population in program consistent with their academic and rehabilitative needs by June 30, 2015. The department demonstrated a 56 percent rate of accomplishment during fiscal year 2014–15, which represents an 11 percent increase from fiscal year 2013–14. The department met its goal to accommodate

70 percent of parolees in a rehabilitative program consistent with their employment, education, or substance abuse needs. The department calculated that 72 percent of parolees participated in programs that addressed at least one need during their first year of release.

It is important to note that some of the reforms contained in the *Blueprint* have already been completed while other implementation goals target future dates. For instance, the standardized staffing goal has already been completed and will no longer be monitored or reported on, unless significant changes are made in the future or if requested by the legislature.

This sixth report is based on information from May 18, 2015, through September 2, 2015, and subsequent reports will assess progress meeting future benchmarks and goals of the *Blueprint*.

GANG MANAGEMENT

The *Blueprint* identified several measures recommended as a result of a 2007 study performed by the California State University, Sacramento entitled *Security Threat Group Identification and Management*. The *Blueprint* stated the department could now begin a careful implementation of the recommendations, including offering graduated housing, a step-down program for inmates, support and education for disengaging from gangs, a weighted point system for gang validation, specific use of segregated housing, and social value programs in preparation for the inmates' return to the community. Since the *Blueprint* was launched in April 2012, prior to the department establishing its pilot program for gang management, it did not include any target dates or specific benchmarks to be achieved.

Security Threat Group—Current Status

On August 31, 2015, the department entered into a settlement agreement for *Todd Ashker, et al., v. Governor of the State of California, et al., Settlement Agreement, C 09-05796 CW (Ashker v. Governor)*. The agreement involves changes to policies and practices for placing, housing, managing, and retaining inmates who have been validated as prison gang members and associates, along with conditions in each of its four Security Housing Unit (SHU) institutions. Some of the key changes include revising its gang management and SHU policies and practices to include:

- An inmate who has committed a SHU-eligible rule violation with a Security Threat Group (STG) nexus within the last 24 months (previously 48 months) shall be placed into the Step Down Program (SDP) based on the date of the most recent STG-related rule violation. The table below shows the time frames of documented STG behavior that the Department's Review Board (DRB) considers when determining the appropriate SDP placement. The occurrence of a rule violation for placement within the SDP now encompasses a shorter 6-month period. Also, step 5 is eliminated, which previously required inactive monitoring of inmates.

Step Down Program Comparison Summary

Effective October 18, 2012		Settlement Agreement Effective August 30, 2015	
Occurrence of Documented STG Behavior Prior to the DRB Hearing	(SDP) Placement	Occurrence of Documented STG Behavior Prior to the DRB Hearing	(SDP) Placement
1 to 12 months	Step 1	Within last 6 months	Step 1
13 to 24 months	Step 2	7 to 12 months	Step 2
25 to 36 months	Step 3	13 to 18 months	Step 3
37 to 48 months	Step 4	19 to 24 months	Step 4
49 months and beyond	Step 5 (General Population)	Step 5 Eliminated.	

- The creation of a Restricted Custody General Population (RCGP) pilot program. The RCGP will consist of a high security general population level IV 180-design facility. Inmates refusing to complete the SDP components, or those who meet the eligibility for RCGP placement will be transferred to an RCGP facility. The department is planning to have approximately 100 RCGP housing beds available at Pelican Bay State Prison (PBSP) in October 2015.
- Any inmate housed in a SHU program for ten or more continuous years who has committed a SHU-eligible offense with a link to an STG within the preceding 24 months, will be transferred to the RCGP for completion of Step Down Program requirements, rather than remain in a SHU.
- Inmates housed for more than five continuous years at the PBSP SHU are to be transferred to another SHU facility. Inmates requiring SHU placement beyond this time frame will be transferred to another SHU facility, or to a 180-design facility at PBSP. The policy allows for the return of an inmate who was previously housed in the PBSP SHU for five continuous years if approved by the DRB and five years have passed since the inmate's transfer from the PBSP SHU.
- The CDCR shall review the cases of all validated inmates currently in the SHU within 12 months of the court's preliminary approval of this agreement. This includes inmates who had an indeterminate SHU term assessed under prior regulations, who

are currently assigned to steps one through four, or who were assigned to step five, but were retained in a SHU.¹

Security Threat Group—Pilot Program Completed

The department implemented a 24-month STG pilot program, from October 18, 2012 through October 17, 2014. On September 5, 2014, the department submitted its final rulemaking package for approval by the Office of Administrative Law, which determines whether regulations will be made permanent. On October 17, 2014, the Office of Administrative Law approved and adopted the new STG policy to Title 15, California Code of Regulations. The OIG's recent monitoring of the department's gang management policy described below was completed prior to the *Ashker v. Governor* settlement agreement previously discussed.

Security Threat Group—Gang Management Program

To combat gangs, the department has historically identified gangs with the greatest propensity for violence and has separated the offenders from the general inmate population by placement into SHUs.² The department's policy for identifying prison-based gang members and associates and isolating them from the general population has been replaced with a model that identifies, targets, and manages STGs, and utilizes a behavior-based SDP for validated affiliates.^{3,4} This policy allows gang affiliates an opportunity to work their way from a restricted program back to the general population by demonstrating a willingness and commitment to discontinue gang activity during their incarceration. The policy addresses validated affiliates with indeterminate SHU terms. It does not address inmates with determinate SHU terms (inmates in SHUs for non-gang-related behavior).

¹ The department uses indeterminate SHU terms for non-STG disciplinary matters. The *Ashker v. Governor* settlement does not change this practice.

² Title 15, California Code of Regulations, Section 3341.5(c), provides for "...an inmate whose conduct endangers the safety of others or the security of the institution..." to be housed in a security housing unit (SHU). Inmates may be placed in a SHU for either a *determinate* or an *indeterminate* term. Inmates sentenced to *determinate* terms in SHUs are those who have been found guilty through a formal disciplinary process of having committed one or more specified serious offenses ranging from murder to threatening institution security. Title 15, California Code of Regulations, Section 3341.5(c)(2)(A)(2), in contrast, specifies an *indeterminate* SHU term for validated prison gang members and associates, who are deemed "a severe threat to the safety of others or the security of the institution."

³ The term "security threat group" has generally replaced the term "prison gang," "disruptive group," or "street gang" within CDCR.

⁴ Affiliates are individual offenders (inmates), identified as "members," "associates," or "monitored," who are connected or interact with a certified security threat group.

The department conducts case-by-case reviews for currently validated affiliates housed in SHUs. As part of the review, the DRB determines an inmate's appropriate placement or retention within the SHU, placement within the SDP, or release to a general population facility (step 5 of the SDP). The department also conducts case-by-case reviews of validated inmates housed within administrative segregation units (ASU) who are endorsed for transfer to SHU facilities. The department noted the case-by-case reviews were to be provided to all existing validated STG members and associates. These reviews provide an opportunity for potential release to general population (step 5) or further retention in the SHU within one of the four programming steps of the SDP. The department intends to continue this process until all inmates validated prior to March 1, 2013, have received an individual case review. The department data shows that as of August 19, 2015, a total of 1,407 inmates are pending a case-by-case review, consisting of 1,246 inmates housed within a SHU facility⁵ and 161 inmates housed in ASU.

One of the key components is that validated STG associates will no longer be automatically placed into the SHU (or an SDP) based solely upon their validation as an STG associate. In addition to formal validation, an associate must also demonstrate STG disciplinary behavior as part of, or subsequent to, the initial validation in order to be considered for placement in the SHU or the SDP. If documented STG behavior occurred within the past four years and the DRB determines it is credible, the DRB will then select the appropriate step for placement consideration. However, if no documented STG behavior was found to have occurred within the past four years, an inmate will be released to general population (step 5), typically to a level IV institution for a period of one year. The step 5 inmate is identified as being on inactive monitored status and would be eligible for transfer to an institution consistent with his placement score after 12 months of STG discipline-free behavior.⁶

As shown in the table on the following page, as of August 21, 2015, the DRB reviewed a total of 1,229 cases at the four SHU institutions. This was an increase of 407 cases since the last OIG report issued in March 2015. Of the 1,229 cases reviewed, the department approved 951 inmates (77 percent) for release to general population (step 5) and placed 265 inmates (22 percent) in step 1, 2, 3, or 4. The remaining 13 inmates were released to a transitional housing unit or general population setting as part of the debriefing process or were not placed in the SDP due to a disciplinary issue.

Additionally, the department has been conducting institution case-by-case reviews for inmates validated prior to March 1, 2013, who are retained in the ASU until bed space is available in the SHU. These inmates are housed in the ASU at various institutions

⁵ Some inmates may be located in a Psychiatric Services Unit (PSU), which is a secured housing unit for inmates at the Enhanced Outpatient Program (EOP) level of care.

⁶ Subsequent to the *Ashker v. Governor* settlement, this step will no longer exist.

throughout the State and will have their case-by-case reviews conducted once they arrive in the SHU. As shown in the right-hand column on the table below, documents from the department display that through August 21, 2015, the Institution Classification Committee (ICC) reviewed a total of 248 cases. Of the 248 cases reviewed, the department approved 158 inmates (64 percent) for release to general population and placed 56 inmates (23 percent) in step 1, 2, 3, or 4 of the SDP. The remaining 34 inmates were retained in the ASU due to safety concerns, debriefing, or disciplinary reasons. The total number of ICC case reviews increased by only two cases since the last OIG report. The department conducted a total of 1,477 case-by-case reviews, an increase of 407 as identified in the OIG’s prior report, since its gang management pilot began in October 2012. This represents 51 percent of its current STG population who were validated prior to March 1, 2013.

Summary of Outcomes from Case-by-Case Reviews

Outcome	SHU-DRB Hearing Number of Inmates	ASU-ICC Hearing Number of Inmates
SDP–Step 1	73	48
SDP–Step 2	84	3
SDP–Step 3	57	4
SDP–Step 4	51	1
Released to GP–Step 5	951	158
Debriefed–Released to Transitional Housing Unit or General Population	11	N/A
Retained in ASU (Safety, Debriefing or Disciplinary)	N/A	34
Not Placed in a Step (Disciplinary/Other)	2	0
Totals	1,229	248

Source: CDCR—Data as of August 21, 2015

The OIG estimates that at its current rate, the department will take 22 months to complete all 1,407 (49 percent) of its remaining case-by-case reviews. However, based on the *Ashker v. Governor* settlement agreement, all remaining case-by-case reviews for validated inmates housed in SHU are to be completed within the next 12 months.

The department’s Special Project Team (SPT), during the past few years, was tasked with developing the new STG management policy, implementing a 24-month pilot program, creating new procedures and regulations, providing staff training, addressing legal and legislative issues, and conducting active and inactive reviews.⁷ Each of these items

⁷ With the adoption of STG regulations into law, the previous six-year inactive review language was officially removed from regulations. However, the department is continuing to provide the six-year inactive review process, in conjunction with the ongoing case-by-case review process, to those inmates assigned a

impacted the DRB’s ability to accelerate its case-by-case reviews. Two additional wardens were trained to expand the inactive or case-by-case review process.

Security Threat Group—Status Report of SDP Inmates (Steps 1 through 4)

The gang management policy requires that offenders in steps 1 through 4 participate in programming or journaling before progressing to the next step. Inmates placed in steps 1 and 2 are to have program assessments initiated, such as the Test of Adult Basic Education (TABE) and Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) assessments. Inmates placed in step 3 can participate in self-directed journals intended to develop a system of values and strategies leading to responsible thinking and behavior. Step 4 inmates may have programming that includes education, violence prevention programs, and gang diversion programs. If an inmate refuses to participate in the journaling or programming, the inmate will return to a previous step or regress further.

The OIG’s fieldwork conducted through June 30, 2015, reviewed the current status of 74 inmates who were assigned to the SDP (steps 1 through 4) for at least 12 months to identify the result of the ICC review.^{8,9} As summarized on the next page, the OIG found that 41 of the 74 inmates (55 percent) successfully progressed to the next step, 31 inmates (42 percent) were retained in their current steps, and 2 inmates (3 percent) regressed to a prior step.

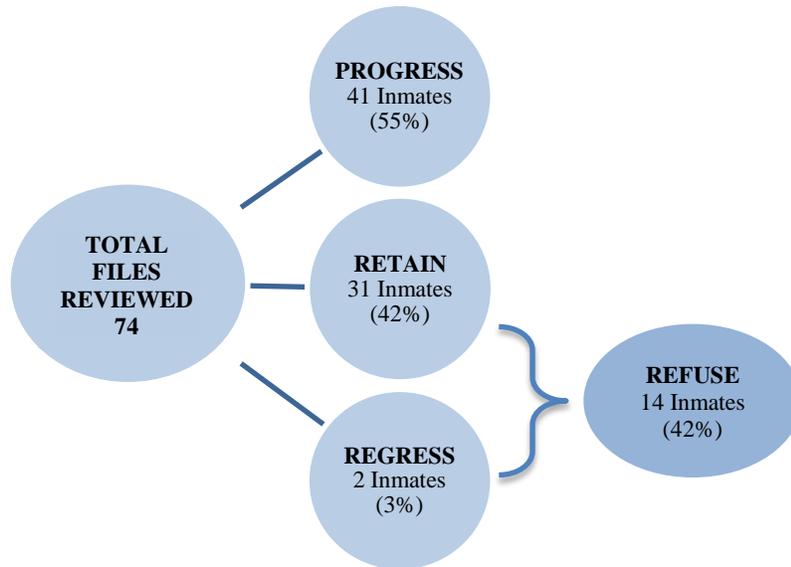
The percentage of inmates who progressed (55 percent) based on active participation in the SDP increased by 7 percent since the last OIG report. The percentage of inmates retained in their current step increased by 1 percent, while the inmates who regressed decreased by 8 percent from the last OIG report. As shown in the diagram on the next page, the OIG found that 14 of the 33 inmates (42 percent) from the retain and regress categories refused to participate in the SDP. For the inmates who were unable to progress, it was primarily due to “refusing to participate,” please see discussion below for further discussion of inmate refusals.

six-year inactive review date. Thus, inmates currently housed in the SHU due to validation as an STG-I (term used to identify and prioritize the level of threat the group presents) affiliate prior to March 1, 2013, will be retained pending appearance before the DRB.

⁸ Based on the review of department data, as of May 1, 2015, the OIG identified 74 SDP inmates assigned to steps 1 through 4 who had undergone an ICC review.

⁹ As part of its gang management policy, the department conducts institutional classification committee (ICC) program reviews to monitor the progress and behavior of inmates within the SDP. Each step is designed to be completed in 12 months but may be accelerated at the 180-day review. The ICC typically discusses an inmate’s retention in its current step, regression to beginning of the current step, regression to a prior step, or reduction in privilege levels.

Status of Inmates Placed in Steps 1 through 4 of the Step-Down Program (SDP)



Security Threat Group—Status Report of SDP Facilitators

The department's SDP provides inmates with increased incentives to promote positive behavior and discontinue participation in STG activities, with the ultimate goal of release from the SHU. The program components include voluntary education program, pro-social videos, self-journaling workbooks, interactive journaling workbooks, Thinking for a Change, and conflict resolution. The journaling workbooks cover areas like violence prevention, criminal lifestyle, rational thinking, living with others, substance abuse, and social values. The OIG interviewed an SDP facilitator at each SHU institution to ascertain their role in facilitating the journaling workbooks and group activities.¹⁰

The SDP facilitators' roles are varied and generally include interviewing new SDP arrivals, discussing orientation and expectations of the SDP, providing inmates with a notice of expectations and required journals, conducting group therapy sessions, reviewing caseload management (i.e. inmate safety concerns, review completed journals, etc.), completing SDP progress notes, and answering questions regarding the program. The facilitator's caseload varies from 24 to 142 inmates, depending on the number of facilitators and SDP inmates at each SHU institution. Some SDP facilitators commented that the Thinking for a Change curriculum was structured toward inmates with minimal education and/or social skills, thus making it difficult for some inmates wanting to invest in the program. For example, a step 3 inmate is required to learn basic social skills, such

¹⁰ As of September 2015, the department has a total of nine SDP facilitators at the four SHU institutions.

as “how to ask a question,” and some inmates refuse to participate at that level. The SDP facilitators stated that if an inmate has a learning barrier, which is identified with a low TABE reading score (0.0 to 3.9), self-help coordinators are available to assist inmates in completing the program materials. Inmates will not be retained in a step or penalized due to comprehension issues.

The OIG found that since May 2015 many inmates refused to participate in the SDP in anticipation of plaintiff the *Ashker v. Governor* settlement. Although the department entered into a settlement agreement on August 31, 2015, many inmates continue to refuse to participate with the belief that they will not be held accountable by the department for not participating. Department figures show a 40 percent (124 out of 307 inmates) refusal rate of SDP inmates in steps 1 through 4, primarily consisting of 85 inmates in steps 3 and 4 at the California Correctional Institution.

Number of Inmates Refusing to Participate in the SDP

Institution	Steps 1 through 4			Step 5		Total Number
	Participants	Refusals	% of Inmates Refusing	Participants	Refusals	
California Correctional Institution	4	85	96%	20	0	109
California State Prison, Corcoran	71	3	4%	81	0	155
California State Prison, Sacramento	17	2	11%	5	0	24
Pelican Bay State Prison	91	34	27%	17	0	142
Totals	183	124	40%	123	0	430

Source: CDCR—Data as of September 17, 2015

The OIG will continue to monitor and report on the revised SDP and consult with the department in these areas with a shared interest in achieving the goals set out in the *Blueprint*.

INMATE CLASSIFICATION SCORE SYSTEM

The department uses an inmate classification score system (ICSS) to ensure its inmates are properly housed and supervised. After review of the inmate classification score system, an expert panel concluded in 2011 that the point thresholds used by CDCR to assign housing could be changed without increasing the risk of serious misconduct.¹¹ As a result, the *Blueprint* stated the department would adjust the point thresholds and file emergency regulations to adopt the recommendations set forth in the ICSS study with the Office of Administrative Law by June 2012.

Modification of the Inmate Classification Score System

According to the department, the ICSS is one of the primary factors used to determine the most appropriate housing and supervision for each inmate. The department's goal is to modify the ICSS by changing the point thresholds between the four levels used for housing purposes. The department anticipates the changes affecting male inmates will bring about better access to rehabilitative programs and avoid unnecessary over-classification, thereby increasing success upon release.¹² The department also anticipates reduced costs, because higher levels of housing correspond to higher costs.

The department's emergency regulations to implement the expert panel's recommendations became effective July 1, 2012. As stated in the *Blueprint*, the department expected that the new regulations would be fully implemented by 2015, and over 9,500 male inmates will be moved from level IV to level III and over 7,000 from level III to level II. Based on a review of ICSS score range change data from July 1, 2012 through August 31, 2015, the department's projection of movement has surpassed its overall target of 16,500. The data shows the ICSS score range changes currently affect 17,577 inmates (i.e. an inmate's placement score indicates a lower security housing level than prior to the ICSS score range change).

¹¹ CDCR commissioned researchers from the University of California system to evaluate the department's ICSS and, in collaboration with key CDCR staff, completed a statistical analysis of the classification process. The report was issued in December 2011.

¹² Female offenders are generally housed together without regard to security level because their propensity for violence is much lower than that of male offenders.

**Selected Inmates with Classification Reviews from
July 1, 2012 through August 31, 2015**

Placement Score Range	Inmate Count
28-35 (level II—formerly level III)	11,612
52-59 (level III—formerly level IV)	5,965
Total	17,577

The institutions and their housing facilities have four designated security levels, level I for minimum-security inmates through level IV for maximum-security inmates. The following table displays the changes to the inmate classification score system, which increased the maximum point threshold for levels II and III, and the minimum point threshold for level IV. An inmate’s classification score (placement score) determines which level the inmate will be housed in, unless other overriding case factors exist.

ICSS Changes

	Pre-July 1, 2012	Post-July 1, 2012
Security Level	Final Classification Score	Final Classification Score
I	0-18	0-18
II	19-27	19-35
III	28-51	36-59
IV	52+	60+

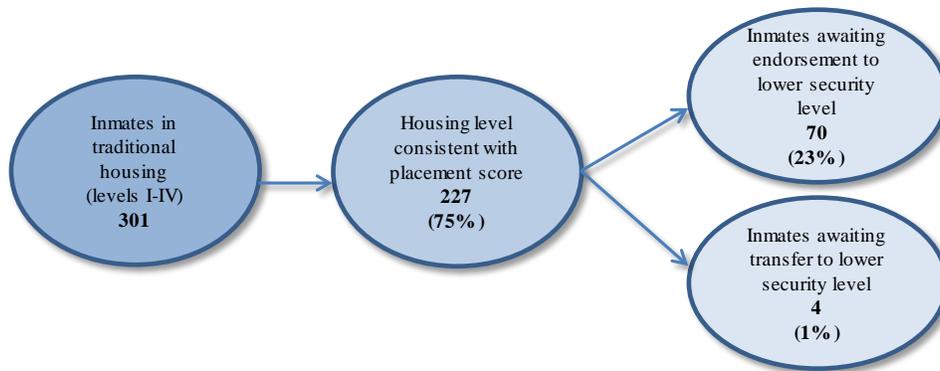
ICSS—Miscellaneous Data Benchmarks

Neither CDCR nor the OIG has a method (other than a manual assessment) to efficiently identify the number of inmates who moved from one security level to another solely because of the change in classification score thresholds. This is because an inmate’s placement score can change for a variety of reasons other than ICSS changes. There are also administrative determinants, such as camp, medical, mental health program, and time to serve, which can override scores and show, for example, an inmate with a level II security score being housed in a level I facility due to a “camp override.” Therefore, it is difficult to determine whether inmates are moving from one security level to another solely because of the ICSS threshold changes.

The OIG reviewed a statewide sample of inmates affected by the score range change. The OIG randomly selected 320 inmates who had final placement scores in the 28–35 range or the 52–59 range, because those ranges are the ones most affected by the threshold changes in security levels. The OIG focused on whether inmates were in housing units that matched their placement score. If not, the OIG considered whether the inmate was

awaiting an endorsement or transfer, or if the inmate’s placement score had increased. As shown on the next page, the review found that 301 of the 320 inmates were housed in traditional housing (security levels I to IV). The other 19 inmates were housed in units without security level designations, such as an administrative segregation unit, secure housing unit, or a correctional treatment center. Of those 301 inmates in traditional housing, 227 inmates¹³ (75 percent) were housed in a security level consistent with their placement score, 70 inmates (23 percent) were waiting to be endorsed to a lower security level, and 4 inmates (1 percent) were waiting to be transferred to a lower security housing level.

Housing Impact Based on ICSS Score Changes



Note: Percentages may not total 100 due to rounding.

The percentage of inmates housed in a security level consistent with their placement score was 75 percent, which is a 4 percent increase from the OIG’s last report. During this reporting period, inmates awaiting a classification service representative (CSR) endorsement decreased by 2 percent to 23 percent, and inmates awaiting transfer decreased by 3 percent, to only 1 percent. Although this figure is based on only 301 inmates, it is indicative of the department’s effort to reduce costs by moving inmates from higher housing levels to lower housing levels consistent with their placement score.

When an inmate’s placement score changes after a classification review and causes a change in security level designation, it does not mean the inmate is immediately moved to a housing unit or institution consistent with the inmate’s placement score. A CSR must endorse the inmate to be moved to a different institution or facility. This endorsement is only approval to move an inmate, and movement cannot occur if bed space at the

¹³ This figure includes 23 inmates who had an administrative determinant (camp, medical, time to serve, etc.) identified by the Classification Staff Representative (CSR) that acted as an “override” to the housing level based on their placement score.

appropriate facility is unavailable. However, if an inmate is not moved after a certain amount of time, the endorsement expires after four months and requires reauthorization.¹⁴

The table below provides a snapshot of inmates housed in levels consistent with their placement score. Inmates can be housed in levels that are not consistent with their placement scores for a variety of reasons, including bed availability, as previously described. Monthly counts from February through August 2015 show that 99 percent of inmates with placement scores in the level II range were housed at a level consistent with their score (1 percent were housed in a level III setting). This represents a 2 percent increase from the last report. The vast majority of inmates were housed in levels consistent with their score. Since the last report, the percentage of inmates housed in level III increased by 5 percent, and the percentage of inmates housed in level IV had no change. As stated previously, the placement score is one of many factors determining the security level in which inmates are housed.

Inmates Housed at a Level Consistent With Their Placement Score

Actual Housing Level	5th OIG Report September 2014— January 2015 Data	6th OIG Report February 2015— August 2015 Data	Change From Last Report
II	97%	99%	2%
III	88%	93%	5%
IV	96%	96%	0%

¹⁴ The endorsements by the CSR have expiration dates because the information becomes outdated. For example, an inmate can be endorsed to be transferred to another prison after an evaluation of enemy concerns at the prospective prison. If four months elapse before the transfer, the endorsement needs to be reauthorized because another inmate with an enemy concern may have arrived at that prospective prison.

COMPREHENSIVE HOUSING PLAN

The department updated its comprehensive housing plan and incorporated the components identified in the *Blueprint*. Those components include changes to the inmate classification score system, creating anticipated changes in housing and population density levels, construction, renovations, conversions, activations, closures, and changes to contract beds and the fire camp population. The results of the comprehensive housing plan are primarily summarized in Appendix B of the *Blueprint* at the institution level.

Institution Housing Plans

The institution housing plans identify design and staff capacity, as well as the custody level and program assignment for each housing unit at each institution. Since neither the housing plans nor the narrative identifies an implementation date, for the purposes of review, the OIG assumed that the institution housing plans became effective when the *Blueprint* was approved, which was when the 2012–13 Budget Act was signed.

The *Blueprint* does not provide information regarding the housing plans prior to the *Blueprint*. Therefore, the OIG does not have a starting point from which to monitor progress. This is critical because although the OIG is attempting to monitor monthly activation and deactivation plans, the plans may call for the activation of a housing unit to the custody level and program assignment consistent with what is provided in the *Blueprint's* housing plan.

Because of the lack of pre-*Blueprint* data, the OIG relied primarily on the institutions' shift count reports and departmental population data to determine whether housing units were being used in accordance with the *Blueprint* housing plans. The OIG did not attempt to reconcile the housing plans to the program assignment level, but rather to the custody levels.

The OIG obtained positive shift count reports at each institution.¹⁵ Although those reports do not identify custody level and program assignment, they do provide inmate population counts for each housing unit. The OIG was then able to determine whether inmates are being housed within a level reasonably consistent with the level identified in the housing plan. The OIG found that the inmate housing is consistent with the housing plan in most

¹⁵ Positive shift count reports are generated at each prison at standard intervals throughout each day and accessible via the Strategic Offender Management System (SOMS). The reports contain data of the number of inmate counts in each housing unit within each facility or major yard and at each prison. The reports also identify the number of inmates either off grounds or at special areas of the prison, such as being out to court, out to a medical appointment, at education, or in the administration building.

instances. In fact, of the 934 housing units identified in the *Blueprint*, the OIG found 923 housing units (99 percent) to be operational as of June 30, 2015.¹⁶

The OIG used population data to compare the institutions' current population by security level to the security level capacities identified in the *Blueprint* housing plans. The data also contained detailed information regarding program types. This approach provided validation that the housing of inmates is consistent with the *Blueprint's* housing plans as it relates to inmate population levels by both housing levels and program types.

The results of the OIG's fieldwork review as of June 30, 2015, are displayed in Appendix A of this report as a statewide summary of the housing capacities identified in the *Blueprint* for each institution and a statewide summary for the housing units.

Housing Plan—Miscellaneous Benchmarks

There were several specific components identified in the *Blueprint* related to the comprehensive housing plan. The following table shows some of those components and their status during the OIG's review.

Comprehensive Housing Plan—Completion Status

<i>Blueprint</i> Recommendation	Completion Date/Current Status
Planned closure of the California Rehabilitation Center (CRC) to be completed by June 2016.	As of June 26, 2015, the Governor approved Section 3313 to the Welfare and Institutions Code, which tasks the Department of Finance and CDCR to release a report providing an updated comprehensive plan for the State prison system, including a permanent solution to CRC's decaying infrastructure. The report is to be submitted with the Governor's fiscal year 2016-17 Budget to the Assembly Committee on Appropriations, the Assembly Committee on Budget, the Senate Committee on Appropriations, the Senate Committee on Budget and Fiscal Review, and the Joint Legislative Budget Committee.
A decline in eligible inmates for the department's fire camp population. The projected population decline was from 4,480 inmates (6/27/12) to 2,500 inmates (6/27/13). No schedule of fire camp closures was identified.	This benchmark was changed with legislative support. The department has been funded to restore its previous level of fire camps and associated inmates. The fiscal year 2013-14 Budget Act restored its funding to the original level, which eliminated the need to close fire camps and reduce the inmate population. There were 3,785 inmates housed in fire camps as of August 31, 2015.

¹⁶ The 934 housing units identified in the *Blueprint* include 29 housing units of the California Health Care Facility, which includes 5 units occupied by inmates in the DeWitt Nelson Correctional Annex that became operational in April 2014.

New Construction: Two specific construction projects were underway at the department when the *Blueprint* was released—the California Health Care Facility (CHCF) in Stockton was to be activated by summer 2013, and an annex to the CHCF was being constructed. The annex will be built over the former DeWitt Nelson Youth Correctional Facility (DeWitt) and was planned to be completed by June 2014.

The OIG’s review found each of these construction projects were completed on schedule: August 2013 for CHCF and March 2014 for the CHCF annex. The first inmate was received at the CHCF annex on April 1, 2014. As of August 31, 2015, CHCF had 2,043 inmates out of its 2,951 design capacity (69 percent of design capacity); these figures are inclusive of DeWitt’s annex.

Health Care Facility Improvement Program: The *Blueprint* noted the health care facility improvement program (HCFIP) was to perform facility assessments and provide upgrades in existing prisons to ensure adequate clinical and support service spaces were available to meet the treatment needs of inmate-patients. These improvements were planned to address the facility needs of outpatient medical care throughout the entire adult prison system. The HCFIP planned to first target the intermediate care prisons where inmates require more intensive medical care rather than general outpatient medical care. Improvements were to focus on addressing infection control issues, such as hand-washing facilities and the separation of clean and soiled supplies. They were also to provide the physical separation necessary to provide inmate-patient privacy with nursing and physician staff, as mandated by the federal Health Insurance Portability and Accountability Act. Also, the Statewide Medication Distribution Project is part of the HCFIP and is to remedy deficiencies in medication distribution at State prison facilities.

Based on the assessments, the department determined that HCFIP projects were needed at 31 institutions. Each of the specific HCFIP projects has been established by the State Public Works Board and is in varying stages of design, with the estimated construction completion dates to occur in 2016 and 2017. Also, in August 2014, the Statewide Medication Distribution Project received approval to commence construction from the State Fire Marshal (SFM) and the Department of Finance (DOF); pre-construction procurement activities have begun. According to the department, prior to February 2015, construction commencement had been approved by the SFM and DOF at 11 locations. Between February and August 2015, construction commencement has been approved by the SFM and DOF for an additional 11 sites: California Correctional Institution, California Men’s Colony, California State Prison, Corcoran, Central California Women’s Facility, Correctional Training Facility, Deuel Vocational Institution, North Kern State Prison, Salinas Valley State Prison, Sierra Conservation Center, Substance Abuse

Treatment Facility, and Wasco State Prison. The 9 remaining sites are progressing in the design process.

According to the department, onsite construction by the Inmate Ward Labor program is commencing at the California Medical Facility (CMF) in September 2015. The general contractor component of the CMF project, which controls the construction completion date, has been delayed due to a need to re-bid the project. The construction contract should be executed no later than October 2015.

Infill Construction: The *Blueprint* identified some infill construction projects due to a higher need for level II housing. The projects identified include the DeWitt Nelson Correctional Annex and the construction of three new facilities to house approximately 800 inmates, each to be built at existing facilities. The status of the DeWitt Nelson Correctional Annex is discussed above. The following provides the status of the three other infill projects.

Senate Bill 1022 (Chapter 42, Statutes of 2012) authorized the design and construction of three level II facilities adjacent to one or more of the following seven facilities: California Institution for Men; California Medical Facility; California State Prison, Sacramento; California State Prison, Solano; Folsom State Prison; Mule Creek State Prison; and the Richard J. Donovan Correctional Facility.

The Public Works Board took action on September 11, 2012, to authorize the 800-bed infill projects, with two slated to be built at Mule Creek State Prison (MCSP) for 1,600 beds, and one at the Richard J. Donovan Correctional Facility (RJD) for 800 beds. However, in December 2012, the Notice of Preparation of an Environmental Impact Report (EIR) regarding the proposed projects included proposals for evaluations at all seven institutions. Scoping hearings took place in January 2013, and formal written comments were due in early February 2013. The department submitted the EIR document for public comment, and that process was completed. A Notice of Determination was filed with the State Clearinghouse in November 2013 identifying the department's intention to construct two projects at MCSP and one at RJD. The design build contract for MCSP was executed in March 2014, and the contract for RJD was executed in April 2014. According to the department, construction activities have commenced at both locations, and inmate occupancy for both projects is anticipated for early 2016.

Contract Capacity: The *Blueprint* articulates the department's plan to eliminate out-of-state contracted inmate beds by June 30, 2016. The plan is also to reestablish up to 1,225 additional community correctional facility (CCF) beds once the out-of-state inmates return. The *Blueprint* projected an out-of-state inmate population drop from

9,588 inmates on June 27, 2012, to 4,596 inmates by December 27, 2013. Population reports show this benchmark was not met, as over 8,800 inmates were housed outside California as of December 27, 2013. As of August 31, 2015, there are 6,744 inmates housed outside of California.

In September 2013, the passage of Senate Bill 105 authorized the department to increase its level of contracted beds both in and out of state. The bill provides an immediate measure to avoid early release of inmates and allow the State to comply with the three-judge court order. The bill authorized the activation of California City Correctional Facility (CAC), a private prison located in Kern County. CAC is the first leased facility to be operated by the department. The facility is to house 2,400 level II general population inmates in celled housing. Inmates began transferring to CAC on December 16, 2013, and as of August 31, 2015, a total of 2,227 inmates were housed there, which is an increase of 203 from the last OIG report, published in March 2015.

Housing inmates in public Modified Community Correctional Facilities (MCCFs) within California, as shown in the table below, is to assist with the reduction of in-State prison overcrowding. In December 2013, the department requested activation of 578 and 640 contracted beds with the Cities of Delano and Shafter, respectively. In March 2014, the department activated the Taft facility with plans for up to 600 inmates. The department also activated and increased capacity at other private MCCFs, including Central Valley, Desert View, and Golden State. As of August 31, 2015, the department had a total of 3,608 inmates housed in its public and private MCCFs. This was a total decrease of 71 inmates from the OIG’s last report, issued in March 2015, when 3,679 inmates were housed in MCCFs.

Modified Community Correctional Facilities—Bed Space¹⁷

MCCF	Type	Bed Capacity	Population as of 8/31/15
Delano	Public	578	548
Shafter	Public	640	593
Taft	Public	600	585
Central Valley	Private	700	560
Desert View	Private	700	658
Golden State	Private	700	664
Totals		3,918	3,608

Population Density Levels: Appendix F of the *Blueprint* identified some projections regarding male inmate population density levels. Other than the projections themselves,

¹⁷ The figures for the MCCFs do not include the other in-state contract beds, which include the Female Community Reentry Facility (260-bed facility), Female Rehabilitative Community Correctional Center (75-bed facility), and Community Prisoner Mother Program (24-bed facility).

there are no goals or benchmarks to monitor. The table on the next page compares the actual density (overcrowding) rates to the goals for six security level bed types, as of August 31, 2015. Most of the rates fall within the established goal, with the largest exception being the level II beds, which exceeds the goal by 47 percent. This supports the department’s need to increase the number of level II beds as planned in the infill construction projects at MCSP and RJD. Also, the activation of CAC has assisted the department in lowering its overcrowding rate of level II inmates. The data also indicates that the amount of level IV beds exceeds the established goal by 24 percent. As stated previously in the ICSS section of this report, the department expected that by 2015 over 9,500 male inmates would have moved from level IV to level III, but only 5,965 inmates had a level III placement score.

Actual Density Rates in Comparison to *Blueprint* Design Beds

Bed Type	Blueprint Design Beds	Population as of 9/9/15	Actual Overcrowding Rate	Blueprint Overcrowding Rate Goal
Level I Dorm	8,283	5,887	71%	150%
Level II Dorm & Cell	22,908	41,071	179%	150%
Level III Cell	16,584	19,503	118%	150%
Level IV Cell	13,124	23,113	176%	150%
Administrative Segregation Unit	5,601	3,903	70%	125%
Security Housing Unit	2,934	2,936	100%	120%

Housing Plan—Global Benchmarks

The *Blueprint* noted the department was under federal court order to reduce overall prison overcrowding to 137.5 percent of design-bed capacity by June 2013. Subsequently, the department was granted extensions. The only remaining benchmark is to achieve 137.5 percent of design capacity by February 28, 2016.

The OIG reviewed the department’s monthly population report as of August 31, 2015, approximately six months prior to its final remaining benchmark. The department had an in-state prison population of 111,454 housed in the State’s 34 adult institutions with a design bed capacity of 82,707, which amounts to 134.8 percent of design bed capacity. This figure is below the 137.5 percent court-ordered reduction required by February 28, 2016. Future OIG reports will continue reporting the department’s population density.

CONCLUSION

There are two major shifts in this report. This is the first report that has not included a rehabilitation component, as that information was reported in the Annual California Rehabilitation Oversight Board published on September 15, 2015. The second major shift is in Security Housing Unit (SHU) policy. On August 31, 2015, the department entered into a settlement agreement regarding *Ashker v. Governor*, modifying the policies and practices involving inmates validated as prison gang members and associates, along with conditions in each of its four SHU institutions. The department is currently evaluating the new Step Down Program and its various components, including the new Restricted Custody General Population pilot program.

In 2012, the department's Special Project Team (SPT) was tasked with developing the new STG management policy, implementing the initial 24-month pilot program, creating new procedures and regulations, providing staff training, addressing legal and legislative issues, and conducting active/inactive reviews (six-year inactive reviews). As of September 2015, the SPT will now be involved in implementation of modifying policies and practices based on the *Ashker v. Governor* settlement agreement. This agreement, also planned to be implemented over a 24-month pilot period, places an emphasis on completing all remaining case reviews for all SHU inmates on a definitive timeline—within 12 months of the court's preliminary approval of the settlement agreement—by August 31, 2016. These reviews are to be conducted by Institution Classification Committees, and inmates who have served the longest SHU terms will be prioritized. The OIG will continue to monitor and report on the revised SDP.

The department is adhering to the comprehensive housing plan and construction goals identified in the *Blueprint*. The OIG will continue to monitor a few large-scale construction projects remaining. As of August 2015, the department has met the benchmark to reduce prison overcrowding to 137.5 percent by February 28, 2016. The department has been addressing its in-state prison overcrowding with the activation of the California City Correctional Facility and increased capacity at public and private Modified Community Correctional Facilities, as well as ongoing in-fill projects. Overall, the change in ICSS has shifted the population in a downward trend, but not exactly as predicted. Approximately 6,000 inmates have moved from level IV to level III, which is 3,500 fewer than predicted. However, the number of inmates being released from SHU facilities has impacted the number of level IV inmates. Additionally, over 11,500 inmates have moved from level III to level II, which is 4,500 higher than predicted and is driving the need for level II beds. Still, all of those inmates who have been lowered theoretically represent less expensive housing costs and inmates who now have more rehabilitation programming opportunities. In addition, the vast majority of inmates were housed in levels consistent with their score.

APPENDICES

Appendix A—Housing Plans

APPENDIX A—HOUSING PLANS

HOUSING PLAN - STATEWIDE SUMMARY				
INSTITUTION	* DESIGN CAPACITY	* STAFFED CAPACITY	TOTAL INMATE COUNTS REVIEWED BY OIG (JUNE 30, 2015)	OVERCROWDING RATE ON REVIEW DATE (BASED ON DESIGN CAPACITY)
Avenal State Prison	2,920	4,702	2,710	93%
California Correctional Center	3,883	4,872	4,080	105%
California Correctional Institution	2,783	4,414	3,973	143%
California Health Care Facility	2,951	2,951	1,984	67%
California Institution for Men	2,976	4,728	3,875	130%
California Institution for Women	1,398	2,042	1,844	132%
California Medical Facility	2,361	2,756	2,267	96%
California Men's Colony	3,838	4,668	3,794	99%
California Rehabilitation Center	2,491	3,487	2,411	97%
California State Prison, Corcoran	3,116	4,445	4,412	142%
California State Prison, Los Angeles County	2,300	3,600	3,491	152%
California State Prison, Sacramento	1,828	2,312	2,304	126%
California State Prison, San Quentin	3,082	4,006	3,706	120%
California State Prison, Solano	2,610	3,890	3,866	148%
California Substance Abuse Treatment Facility	3,424	5,474	5,568	163%
Calipatria State Prison	2,308	3,883	3,766	163%
Centinela State Prison	2,308	3,433	3,479	151%
Central California Women's Facility	2,004	3,515	3,079	154%
Chuckawalla Valley State Prison	1,738	2,641	2,270	131%
Correctional Training Facility	3,312	5,231	5,133	155%
Deuel Vocational Institution	1,681	2,586	2,124	126%
Folsom State Prison	2,066	2,895	2,382	115%
Folsom Women's Facility	403	483	466	116%
High Desert State Prison	2,324	3,461	3,314	143%
Ironwood State Prison	2,200	3,175	3,421	156%
Kern Valley State Prison	2,448	3,910	3,631	148%
Mule Creek State Prison	1,700	2,807	2,937	173%
North Kern State Prison	2,694	4,529	4,387	163%
Pelican Bay State Prison	2,380	3,032	2,739	115%
Pleasant Valley State Prison	2,308	3,533	2,246	97%
Richard J. Donavon Correctional Facility	2,200	3,305	3,142	143%
Salinas Valley State Prison	2,452	3,657	3,680	150%
Sierra Conservation Center	3,736	4,784	4,333	116%
Valley State Prison	1,980	3,390	3,378	171%
Wasco State Prison	2,984	4,997	4,923	165%
GRAND TOTAL	87,187	127,594	115,115	132%

* Design and staffed capacity totals per institution were obtained from CDCR's Weekly Report of Population as of June 30, 2015.

APPENDIX A—HOUSING PLANS

HOUSING UNITS - STATEWIDE SUMMARY					
INSTITUTION	INSTITUTION	Housing Unit Count Per Blueprint	Housing Units - VACANT	Housing Units In Use Reviewed by OIG (June 30, 2015)	Percent Of Housing Units In Use
Avenal State Prison	ASP	25	0	25	100%
California Correctional Center	CCC	31	0	31	100%
California Correctional Institution	CCI	37	1	36	97%
California Health Care Facility	CHCF	29	0	29	100%
California Institution for Men	CIM	30	2	28	93%
California Institution for Women	CIW	21	0	21	100%
California Medical Facility	CMF	41	0	41	100%
California Men's Colony	CMC	19	1	18	95%
California Rehabilitation Center	CRC	51	6	45	88%
California State Prison, Corcoran	COR	41	0	41	100%
California State Prison, Los Angeles County	LAC	23	0	23	100%
California State Prison, Sacramento	SAC	27	0	27	100%
California State Prison, San Quentin	SQ	29	2	27	93%
California State Prison, Solano	SOL	24	0	24	100%
California Substance Abuse Treatment Facility	SATF	31	0	31	100%
Calipatria State Prison	CAL	24	0	24	100%
Centinela State Prison	CEN	24	0	24	100%
Central California Women's Facility	CCWF	20	0	20	100%
Chuckawalla Valley State Prison	CVSP	15	0	15	100%
Correctional Training Facility	CTF	23	-1	24	104%
Deuel Vocational Institution	DVI	17	0	17	100%
Folsom State Prison	FSP	21	0	21	100%
Folsom Women's Facility	FWF	2	0	2	100%
High Desert State Prison	HDSP	29	0	29	100%
Ironwood State Prison	ISP	22	0	22	100%
Kern Valley State Prison	KVSP	36	0	36	100%
Mule Creek State Prison	MCSP	19	0	19	100%
North Kern State Prison	NKSP	26	0	26	100%
Pelican Bay State Prison	PBSP	42	0	42	100%
Pleasant Valley State Prison	PVSP	24	0	24	100%
Richard J. Donavon Correctional Facility	RJD	24	0	24	100%
Salinas Valley State Prison	SVSP	31	0	31	100%
Sierra Conservation Center	SCC	31	0	31	100%
Valley State Prison	VSP	16	0	16	100%
Wasco State Prison	WSP	29	0	29	100%
GRAND TOTAL		934	11	923	99%



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OFFICE OF THE INSPECTOR GENERAL

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STATE OF CALIFORNIA
September 2015