



# **MULE CREEK STATE PRISON**

**WARDEN MICHAEL MARTEL**

**ONE-YEAR AUDIT**

**OFFICE OF THE  
INSPECTOR GENERAL**

**STATE OF CALIFORNIA**

**APRIL 2011**



April 5, 2011

Matthew L. Cate, Secretary  
California Department of Corrections and Rehabilitation  
1515 S Street, Room 502 South  
Sacramento, California 95814

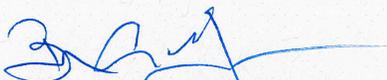
Dear Mr. Cate:

Enclosed is the Office of the Inspector General's audit report concerning the performance of Warden Michael Martel at Mule Creek State Prison (MCSP). The purpose of the audit was to satisfy our statutory requirement to audit each warden one year after appointment.

The report concludes that Michael Martel has the skills necessary to meet the challenges of managing MCSP and has successfully performed his job as warden. MCSP employees we interviewed cited improvements to the institution's safety and security and a management style that has improved overall communication and teamwork as among his major accomplishments.

If you have any questions concerning this report, please contact Bill Shepherd, Deputy Inspector General In-Charge, Bureau of Audits, at (916) 830-3600.

Sincerely,



BRUCE A. MONFROSS  
Inspector General (A)

cc: Michael Martel, Warden, MCSP  
Scott Kernan, Chief Deputy Secretary, Adult Operations, CDCR  
George Giurbino, Director (A), Adult Institutions, CDCR  
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## Results in Brief

### Warden Michael Martel

Warden Michael Martel is an experienced correctional leader who is successfully performing his job as warden. With over 29 years of correctional experience in the California Department of Corrections and Rehabilitation (CDCR), he possesses the skills necessary to manage a multi-mission institution like MCSP.

As the warden at MCSP, his two greatest accomplishments, according to his staff, are improvements to the safety and security of the institution and his management style that has improved overall communication and teamwork among the employees.

Our review of Warden Martel's performance included surveys of MCSP employees, key stakeholders, and CDCR executives. We analyzed operational data compiled and maintained by the department; interviewed MCSP employees, including the warden; and toured the institution. We compiled the results and categorized them into four areas: safety and security, inmate programming, business operations, and employee-management relations. Our analysis showed a high percentage of positive opinions about Warden Martel's overall performance within each group of respondents, especially among custody staff.

We followed our initial survey by visiting MCSP in October 2010 to interview institution management team members and employees who manage key prison functions. Additionally, we randomly selected employees from throughout the prison and community stakeholders. We also interviewed inmates and inmate family council members. We found that on average, custody, health care, other staff (e.g. administrative, computer services, education, religion, plant operations), and union representatives rated the warden highly in the areas of safety and security and employee-management relations. Additionally, the warden was commended by various staff for his leadership outside the prison, and his involvement in community projects and events.

### MULE CREEK STATE PRISON FACTS AT A GLANCE

<b>Location:</b>	Ione, CA
<b>Opened:</b>	June 1987
<b>Missions:</b>	High-Medium (Level III) through Maximum Security (Level IV)
<b>Inmate Population:</b>	3,718
<b>Designed Capacity:</b>	1,700 inmates
<b>Employees:</b>	1,242
<b>Budget:</b>	\$130 million, FY 2009-10



**Warden Michael Martel, Mule Creek State Prison. Photo: CDCR**

Overall, the warden’s rating averaged “very good.” When we asked institutional employees to rate the warden’s overall performance, 90 percent of the custody staff, institutional management, stakeholders, and non-custody personnel rated the warden as doing an “outstanding” or “very good” job. The three inmates rated the warden as performing at a “very good” or “satisfactory” level. We did receive comments from a few other individuals who rated the warden at a level of “satisfactory” or below. Their comments concerned the lack of programs available to inmates and the overall hiring process for vacant positions. The lack of available programs is beyond the warden’s control due to state budget cuts while the hiring process has been recently modified. These items are discussed further within this report.

Warden Martel became warden at San Quentin State Prison on February 22, 2011, where he started his career with CDCR.

## **One-Year Evaluation of Warden Michael Martel**

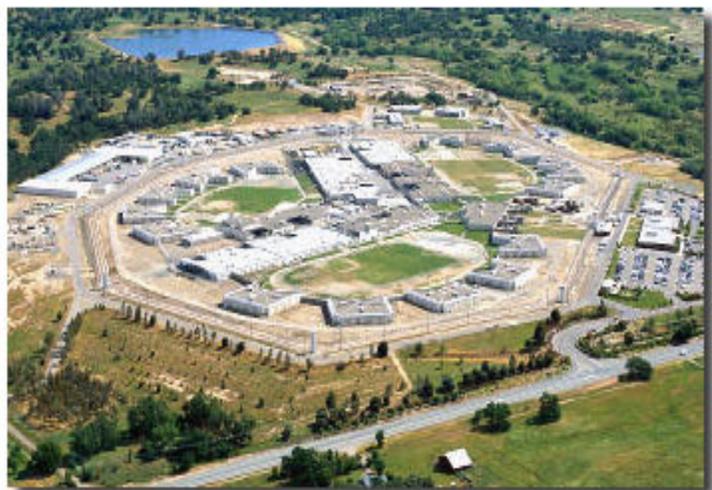
California Penal Code section 6126(a)(2) requires the Office of the Inspector General (OIG) to audit each warden of an institution one year after his or her appointment. To satisfy this requirement, we evaluated Warden Michael Martel’s performance at Mule Creek State Prison (MCSP) since his appointment in September 2009.

### **Background of Warden Martel**

Warden Martel, who has over 29 years of correctional experience, began his CDCR career as a correctional officer at San Quentin State Prison in 1981. He promoted through the custodial ranks, and in 2001, he promoted to facility captain at CSP-Sacramento. While at CSP-Sacramento, he obtained a position as correctional captain in 2004 and associate warden in 2006. He was promoted to Chief Deputy Warden at MCSP in 2007, and was selected as acting warden in 2008. In September 2009, Governor Arnold Schwarzenegger appointed him as warden of MCSP.

### **Institution Overview**

MCSP is one of 33 adult prisons operated by CDCR. Although it is designed to hold 1,700 inmates, as of October 18, 2010, MCSP housed 3,718 inmates or 219 percent of its design capacity. The prison opened in June 1987 on 866 acres in Ione, California. It is adjacent to the California Department of Forestry and Fire Protection (CAL FIRE) and Preston Youth Correctional Facility.



Aerial view of Mule Creek State Prison. Photo: CDCR

The prison is a multi-mission institution. It houses minimum, medium and maximum security inmates, with custody levels I through IV. MCSP contains three multi-level facilities referred to as A, B, and C, along with a minimum support facility. Facilities A through C house a range of inmates classified from Level III (high-medium) to Level IV (maximum security). Each of these facilities house inmates with “sensitive needs” who, because of their crime, notoriety, or gang affiliations, cannot mix with the general population inmates as they may be subject to harm or have “enemy situations.” The minimum support facility houses Level I inmates who also work outside the secured perimeter, participating in the MCSP Community Crew work programs within the City of Ione.

According to CompStat (comparative statistics) data as of June 2010, MCSP has the largest total number and highest percentage of inmates with recognized mental health conditions in the state. More than half of the MCSP inmates receive services in the prison’s Enhanced Outpatient Program (EOP), Correctional Clinical Case Management System (CCCMS), and other mental health units for serious mental health conditions. The institution also has a Mental Health Outpatient Unit and Correctional Treatment Center (CTC) that provide inmates with nursing and mental health crisis care.

***Budget and Staffing***

MCSP’s 2009-10 fiscal year total annual operating budget is approximately \$130 million, which is inclusive of institution, education, medical, dental, mental health, and ancillary operations. The prison has 1,267 budgeted positions, of which 728 (or 58 percent) are custody positions. The table below compares MCSP’s budgeted and filled positions as of June 30, 2010. Overall, the prison filled 95 percent of its total budgeted positions.

**Table 1: Staffing Levels at Mule Creek State Prison**

<i>Position</i>	<i>Filled Positions</i>	<i>Budgeted Positions</i>	<i>Percent Filled</i>
Custody	704	728	97%
Education	21	25	84%
Medical	199	216	92%
Support	177	187	95%
Trades	94	99	95%
Management	11	12	92%
<b>Total</b>	<b>1,206</b>	<b>1,267</b>	<b>95%</b>

*Source: California Department of Corrections and Rehabilitation, CompStat ending June 30, 2010, Mule Creek State Prison. Unaudited data.*

***Rehabilitation Programs***

MCSP offers its inmates a variety of rehabilitative programs that provide academic and vocational education, self-help programs, and other work opportunities. However, the amount and type of programs offered was impacted severely in 2010. The projected annual operating budget costs for education at MCSP decreased from \$5,209,203 in fiscal year 2008/09 to \$3,648,408 in fiscal year 2009/10, a reduction of \$1.5 million (or 43 percent). The impact of statewide programming cuts, due to state budget deficits, reduced the total number of education and vocational teacher positions in 2010 from 26 in January to only 14 in October. Several vocational programs were cut at the end of 2009, including carpentry, screen printing, dry cleaning, and landscaping.

MCSP offers inmates 11 programs in education, and vocational training, including courses in ABE I, II, III (Adult Basic Education)/General Education Development (GED), Welding, Heating/Air Conditioning & Refrigeration, and Auto Mechanics. Additionally, MCSP offers ten self-help programs or “Inmate Leisure Time Activity Groups” (ILTAGs). The ten groups include, in part, Alcoholics Anonymous, Narcotics Anonymous, and Criminals and Gang members anonymous. According to the Prison Industry Authority (PIA) Administrator, it offers approximately 300 inmates jobs in fields such as meat processing, coffee roasting, fabric operations, and laundry services.

## **Objectives, Scope, and Methodology**

To fulfill our objective of assessing the warden’s performance, we employed a three-part approach. First, we used surveys to elicit opinions and comments from employees, CDCR management team members, and other stakeholders. Next, we analyzed operational data maintained by CDCR by comparing it with the averages for like prisons<sup>1</sup> and for all prisons statewide. In addition, we reviewed relevant reports prepared by the CDCR or by other external agencies. Finally, we visited the prison, interviewed various employees and representatives from the Men’s Advisory Council, and followed up on noteworthy concerns identified from the surveys, operational data, or reports.

To understand how the staff members and other stakeholders view the warden’s performance, we sent surveys to three distinct groups: CDCR and MCSP managers, MCSP employees, and key stakeholders outside of the CDCR. For the employee survey, we sent questionnaires to 228 randomly selected prison employees and requested an anonymous response. The survey provides information about employees’ perceptions of the warden’s overall performance as well as information about specific operational areas at the prison: Safety and Security, Inmate Programming, Business Operations, and Employee-Management Relations.

To simplify the analysis of the survey results, we requested respondents to broadly classify their job positions. From this information, we grouped survey respondents into three employment categories: Custody, Health Care, and Other (which includes employees in education, plant operations, administration, and clerical positions.) Then, to identify strong trends or patterns, we classified responses to our questions as either positive or negative. For example, if the respondent ‘agreed’ or ‘strongly agreed’ with a question, we classified it as positive, and if the respondent ‘disagreed’ or ‘strongly disagreed,’ we classified it as negative. We excluded passive responses such as “neutral” or “unknown.”

Our inspectors analyzed the responses to the surveys as well as operational data maintained by CDCR. We also reviewed relevant reports related to the prison’s operations prepared by CDCR or by external agencies. In analyzing these sources, we

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<sup>1</sup> Institutions with a similar mission (General Population Levels 3 & 4) include Calipatria State Prison, Centinela State Prison, California Medical Facility, California Men’s Colony, Pleasant Valley State Prison, and California Substance Abuse Treatment Facility.

looked for strong trends or patterns, either negative or positive, or other issues that would help us identify topics for further review and evaluation during our on-site visit to MCSP.

During our visit to MCSP, we gained insight into the warden's work environment. We used information gathered from our analysis of statistical information and from employee surveys to identify potential issues for review. Then we interviewed certain key employees and other employees selected at random. Our interviews involved employees in various operational areas throughout the prison, including:

- Business services
- Educational programs
- Employee/labor relations
- Food services
- Health care
- Housing units
- Human resources
- Information technology
- Inmate assignments
- Inmate case records
- In-service training
- Investigative services
- Litigation
- Personnel assignment
- Plant operations
- Receiving and release
- Religious programs
- Use-of-force review
- Vocational programs
- Warehouse management

We performed a site visit beginning October 18, 2010, and interviewed 59 individuals throughout the prison and asked them to describe and rate the warden's performance. These individuals included custody employees, executive management, health care professionals, three inmate representatives from the Men's Advisory Council, and one representative each from the Inmate Family Council and Citizens Advisory Committee.

## Review Results

We found that responding stakeholders, including CDCR management, institutional managers, and employees believe the warden is doing, on average, a very good to outstanding job. The representatives we interviewed from the Men’s Advisory Council, Inmate Family Council, and Citizens Advisory Committee believe he is doing a satisfactory to outstanding job. In the four categories of safety and security, inmate programming, business operations, and employee-management relations, most respondents provided positive responses.

### Category 1: Safety and Security

California Department of Corrections and Rehabilitation’s primary mission is to enhance public safety through safe and secure incarceration of offenders. The importance of safety and security is epitomized in CDCR’s requirement that custodial security and the safety of staff, inmates, and the public must take precedence over all other considerations in the operation of CDCR programs and activities. As shown in Table 2 above, 88 percent of the employees’ responses were positive about the safety and security of the prison.

*Table 2: Safety and Security – Employee Survey Results*

Respondents	Positive	Negative
Custody	88%	12%
Health Care	83%	17%
Admin, Plant Operations, and Other	91%	9%
<b>Weighted Average</b>	<b>88%</b>	<b>12%</b>

*Source: OIG survey of MCSP employees. See Appendix for details.*

During the site-visit review of the safety and security category, we also heard mostly favorable opinions from the employees we interviewed. After considering the results of our interviews in conjunction with comments from the warden, results from our employee survey, and CDCR data on use of force incidents and segregation housing, we noted three areas for discussion: Survey and Interview Results, Use of Force, and Administrative Segregation Unit.

#### *Survey and Interview Results*

The responses to survey questions related to safety and security were more positive than any other category. We also had many positive comments from our employee interviews. Those comments focused on three areas of safety and security: the staff accountability system, take-home key process, and enhanced security for the central corridor.

In May 2010, the institution piloted a “swiping system” at the front entrance, main control sally port, and vehicle sally port areas. Custody personnel who are assigned to these areas take possession of the employees’ ID card and swipe the card through the staff accountability card swipe reader. This system acts as a simple



**Figure 1 – Staff Accountability card swipe reader.  
Photo: OIG October 2010**

electronic method to account for all staff inside prison grounds for security purposes.

In regard to key accountability, the warden revisited the need for all keys held by employees and only allowed staff to have access to specific areas where it was necessary to perform their work. The warden stated he focused on not having any MCSP employee with one set of key rings that could potentially allow an inmate to get out of the institution through a potential escape. We learned that some plant operations staff previously maintained keys that could open locks from one end of the prison to the other; this ability was removed with the new process.

Additionally, the warden reviewed other ways to heighten the overall security of MCSP. The warden assigned a custody officer to the central corridor to enhance security coverage at the back gates and loading docks. A member of the warden's management team stated that they have been receiving more close custody inmates--inmates classified as "Close A or Close B Custody"--who require a higher level of direct and constant supervision by custody staff. Increased awareness and coverage in the central corridor is another step in increasing the overall security of the prison.



**Figure 2 – Central Corridor. Photo: OIG October 2010**

When we interviewed members of the warden's executive management team, prison employees, and other individuals knowledgeable about the prison's operations, we asked them to name their biggest concerns related to safety and security. More than half of those employees responded they had no safety and security concerns.

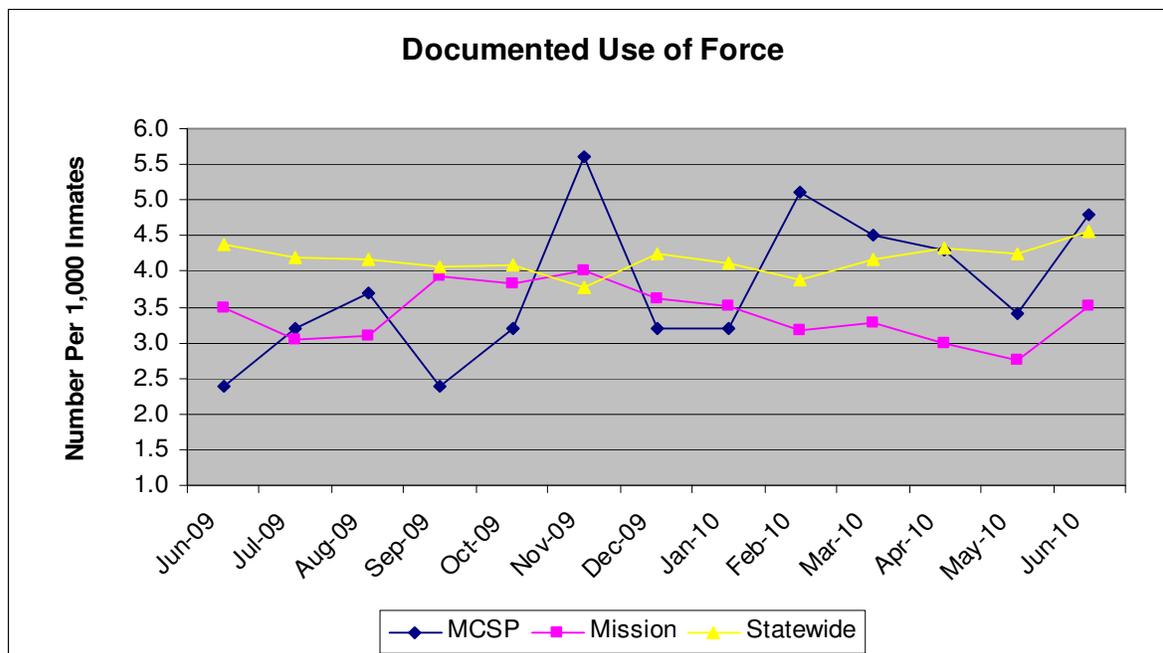
### ***Use of Force***

The number of incidents in which force is necessary to subdue an attacker, overcome resistance, effect custody, or gain compliance with a lawful order is a measure of inmate behavior and of the prison's ability to safely incarcerate inmates. To assess MCSP's use of force, we reviewed CDCR's use-of-force data during the 13-month period from June 1, 2009 through June 30, 2010. As shown below in Chart 1, MCSP's rates of documented use-of-force incidents were higher than either the statewide average or other similar prisons for five of the thirteen months during our review period. During these five months, there were 143 total incidents, of which, 91 incidents involved use of force (UOF). The prison's UOF coordinator noted that most use of force incidents were driven

by inmate fighting or battery on a peace officer. When we reviewed MCSP's daily status reports from June 1, 2009 to September 8, 2010, we found that MCSP reported three inmate riots involving the use of force. The riots included five to seven inmates and occurred in separate areas of Facility A, including the gymnasium/dormitory, recreational yard, and housing unit dayroom. Additionally, more than 40 percent of the total UOF incidents occurred within Facility A, which houses Level IV maximum security inmates, along with one building of Enhanced Outpatient Population (EOP) inmates.

Based on institutional count statistics, we found that 29 percent of the inmates in the three main facilities (A, B, and C) are either in gym housing or are EOP inmates. The warden speculated that having 160 inmates (per facility) confined to gym housing may have contributed to the inmate riots that necessitated the use of force. A few of the facility captains also mentioned that gym housing fosters bad behavior among lifer inmates who do not want to be housed in a gym environment. Also, the warden and an associate warden mentioned that EOP inmates, at times, have unpredictable behavior when they stop taking their prescribed mental health medications. As of June 2010, MCSP had the third highest statewide number of EOP inmates at 562.<sup>2</sup>

**Chart 1**



Source: California Department of Corrections and Rehabilitation, CompStat ending June 30, 2010, Mule Creek State Prison. Unaudited data.

<sup>2</sup> In June 2009, CDCR completed an analysis of use of force (UOF) incidents involving participants in the mental health (MH) delivery system which concluded that institutions with higher EOP populations experienced greater MH, UOF incidents.

**Administrative Segregation Unit**

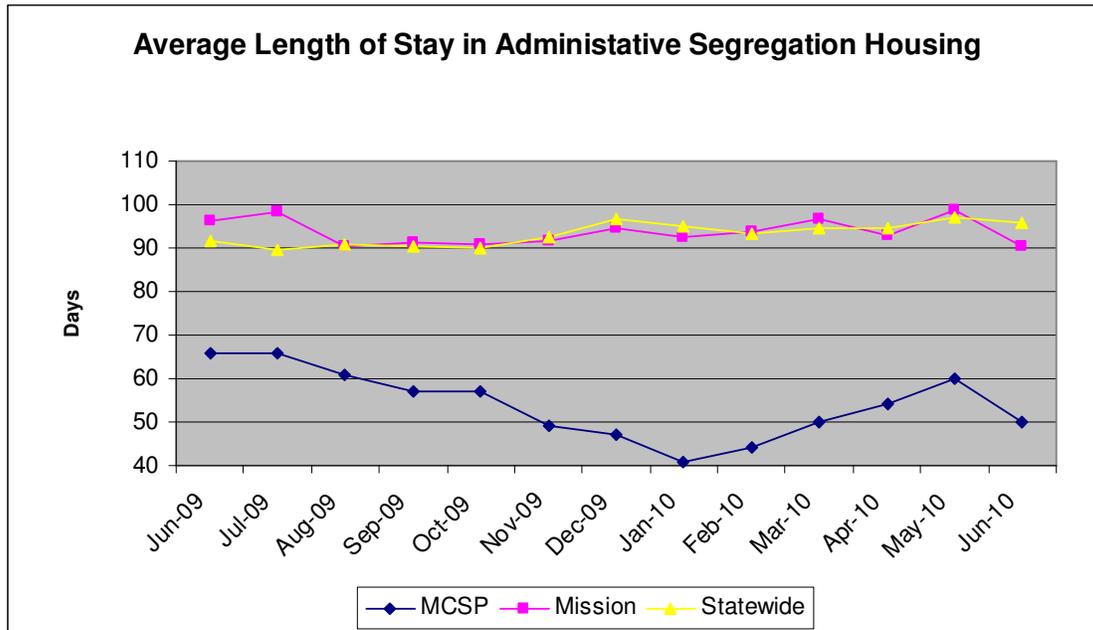
Inmates that are disruptive to other inmates or victimized by other inmates are temporarily segregated from the inmate population by being placed in housing areas known as Administrative Segregation Units (ASU) while employees investigate the level of threat to the prison or inmate. ASU housing areas are more expensive to operate than general population housing units because they have increased security requirements. Effectively managing the time it takes the prison to investigate the threat level can significantly reduce the average length of stay, and in turn, reduce the cost of housing inmates in ASU. As a result, the average length of stay in ASU is both an indicator of how well a prison manages its resources and of how well it protects inmates' due process rights.



**Figure 3 – ASU Exercise Units. Photo: OIG October 2010**

Our review of CDCR's data in Chart 2 revealed that the average ASU length of stay at MCSP was significantly lower than both the statewide and mission averages. Warden Martel stated that since 2007, as the prior Chief Deputy Warden at MCSP, he focused on improving ASU bed management and changing the ASU overflow status.

**Chart 2**



Source: California Department of Corrections and Rehabilitation, CompStat ending June 30, 2010, Mule Creek State Prison, CompStat Coordinator provided revised figures for MCSP on November 2, 2010. Unaudited data.

When more ASU beds are required at a particular prison, an ASU overflow housing unit is created by converting portions of a general population housing unit. Warden Martel stated that MCSP has been out of ASU overflow since 2008. We learned from institution management and the warden that this improvement was due to several reasons. The warden achieved greater efficiency by adding a disciplinary officer to track Rules Violation Reports (RVRs), and by determining why inmates have been in ASU longer than 6 months. The disciplinary officer also assisted with bed utilization to better track bed space information. Moreover, a manager in ASU stated the warden has allowed him to pick his staff and manage his unit. The manager cited the use of force packages in ASU had decreased from 69 in 2007 to only 16 in 2009 due to staff having good rapport and better communication with inmates. Finally, the warden stated that bed management in ASU has been a daily discussion with his management team.

## Category 2: Inmate Programming

Research shows that inmate programs can reduce the likelihood that offenders will commit new crimes and return to prison. In fact, a 2006 Washington State Institute for Public Policy study of adult

basic and vocational education programs found that such programs reduce inmate recidivism by an average of 5.1 percent and 12.6 percent, respectively.<sup>3</sup> The department recognizes these benefits and provides academic and vocational training and a number of self-help and self-improvement services to inmates, including substance abuse programs. An added benefit is that programming provides inmates with a more structured day and less idle time. Generally, inmates with a structured day tend to be easier to manage. As a result, the prison's safety and security can be affected by the amount of available inmate programming.

Overall, as shown in Table 3 above, 60 percent of all survey responses were favorable to questions regarding inmate programming. The employee survey specifically asked employees whether inmate programming has improved since the warden's appointment - 55 percent responded positively. The negative responses obtained during our employee interviews focused mainly on the state budget cuts and the resulting reduced programming opportunities available to inmates. Analysis of the information gathered from CDCR statistics, employee survey results, and employee interviews revealed three areas for more detailed comment: Programming Opportunities, Inmate Program Attendance, and Religious Grounds.

*Table 3: Inmate Programming – Employee Survey Results*

Respondents	Positive	Negative
Custody	54%	46%
Health Care	57%	43%
Admin, Plant Operations, and Other	72%	28%
<b>Weighted Average</b>	<b>60%</b>	<b>40%</b>

*Source: OIG survey of MCSP employees. See Appendix for details.*

<sup>3</sup> Washington State Institute for Public Policy, "Evidence-Based Adult Corrections Programs: What Works and What Does Not," January 2006.

### *Programming Opportunities*

Most academic and vocational education staff members interviewed still seemed to be adjusting to cuts in education; while the majority of non-education staff believed that the warden was consistent in his approach in keeping programs running in spite of difficult budget times. Inmate representatives from the Men's Advisory Council were positive about the programming opportunities available for inmates.

Statewide programming cuts resulted in a reduction of 12 of the 26 total teaching positions at MCSP in 2010 (46 percent), dramatically increasing the ratio of inmates to teachers. After eliminating 12 teachers, the inmate to teacher ratio for the remaining 9 academic teachers increased from 27 inmates per teacher to ratios ranging from 40 inmates per teacher to 120 inmates per teacher depending on the type of Adult Basic Education (ABE) level. The five remaining vocational instructors continued with a ratio of 27 inmates per instructor. The education principal stated the changes were in line with the new education model that started in early 2010. The principal mentioned that the new model requires inmates to complete up to 12 hours of homework and out of class assignments per week, depending on an inmates Test of Adult Basic Education (TABE) score. One education teacher stated that we are now more reliant on inmates/students completing homework and having them study in their housing units rather than working with them face-to-face.

During our interviews, we heard many comments that the warden is supportive of inmate programming. Several interview responses stated that the warden is a strong supporter of programs, especially Inmate Leisure Time Activity Groups (ILTAGs) or self-help programs, which include Alcoholic and Narcotics Anonymous. Custody staff mentioned that if inmates stay busy, they usually stay out of trouble so it is important that inmates have jobs to go to. Custody management acknowledged that the warden pays close attention to the daily activity report to see whether a program is impacted as it should match the "24 hour clock" (an institution-wide management tracking tool that accounts for activities within a 24-hour period).

We learned that the warden is working with Prison Industry Authority (PIA) to create more programs and utilize existing available space due to the closure of some education and vocational programs. The PIA administrator stated he is currently working with business services and headquarters staff to expand PIA operations because the warden wants to increase the availability of PIA work.

All three inmate representatives from the Men's Advisory Council confirmed that the warden maximizes opportunities for inmate programming based on budget allotments. One inmate stated the prison has groups and programs that allow inmates to improve themselves although he felt that more vocational programs should be available. Another inmate stated the warden's greatest accomplishment was not allowing

programs to be cancelled – “he works hard to keep us up and running when we are hit with things like the budget and rolling blackouts.”<sup>4</sup>

### *Inmate Program Attendance*

CDCR establishes the amount of time that assigned inmates must attend academic and vocational training classes each day. Because administrators must track inmate class absences, each prison can be evaluated on how effectively it complies with school-day attendance requirements. CDCR refers to absences caused by circumstances beyond the inmate’s control as “S-time.” Such absences may result from security-related needs such as lockdowns, modified programming, investigations, and inmate medical appointments. Education-related absences, such as teachers calling in sick also contribute to S-time. Prisons with high or increasing patterns of S-time indicate that prison management may be using their academic and vocational programs ineffectively.



**Figure 4 – Vacant Classroom.  
Photo: OIG October 2010**

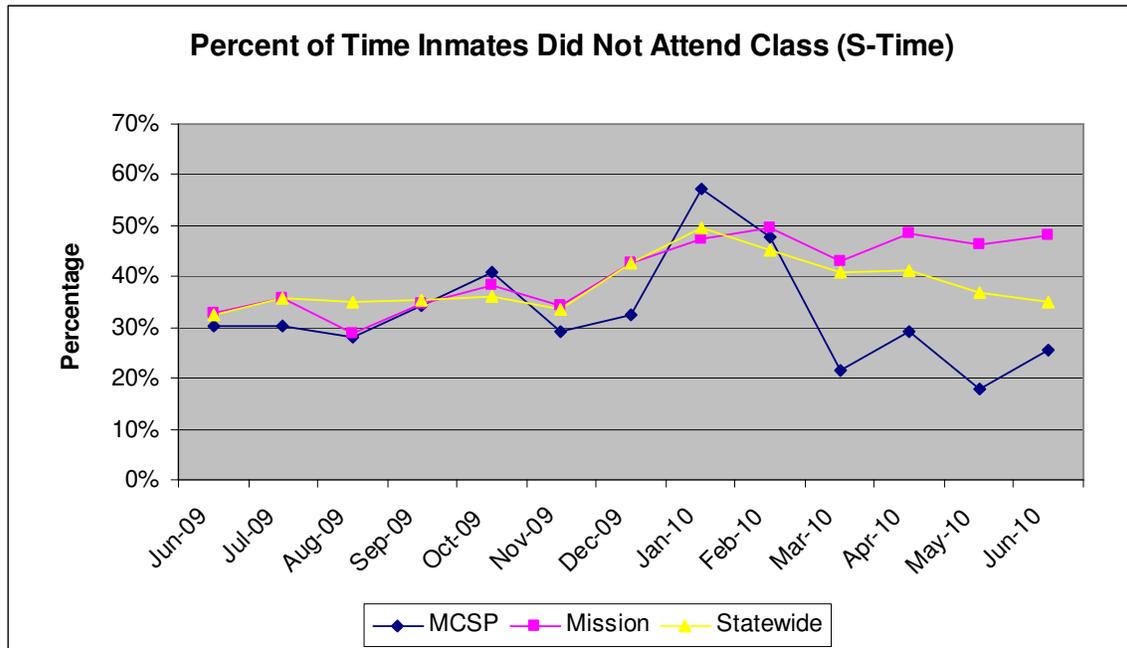
MCSP has few prison-wide lockdowns or other disruptions to normal operations that impact inmate programming. In fact, when we reviewed MCSP’s daily status reports from June 1, 2009 to September 8, 2010, we found that MCSP reported no prison-wide lockdowns and reported only three inmate riots involving five to seven inmates. These incidents caused no modifications to inmate programming.

As indicated in Chart 3 below, the average percentage of inmates not attending class (S-time) at MCSP was lower than the averages for prisons statewide or for prisons with comparable missions in 11 out of the 13 months we reviewed. The months during which S-time exceeded both the statewide and comparable mission averages were October 2009 and January 2010. Although the education principal started at MCSP in March 2010, he speculated that, because of budget reductions, many teachers were using leave time to look for other employment prior to being let go by the department. Consequently, classes had to be canceled and S-time increased. Once the program stabilized, S-time significantly decreased for the remaining review period (after the education principal’s appointment) and was significantly lower than other mission specific averages for the last four months we reviewed.

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<sup>4</sup> CDCR’s February 2010 staff reduction initiative reduced MCSP’s staffing of custody posts by three percent causing a redirection in assignments for correctional officers, sergeants, and lieutenants. A MCSP manager stated the three percent redirections cause one facility (yard) to shut down on a three-day rotational basis (A, B, and C Facility) which does not allow for full inmate programming, except during second watch and weekends.

**Chart 3**



Source: California Department of Corrections and Rehabilitation, CompStat ending June 30, 2010, Mule Creek State Prison. Unaudited data.

### ***Religious Grounds***

During our interviews we learned that recently one of the top issues the appeals coordinator deals with is religious issues for inmates. CDCR limits chaplaincy positions to five faiths: Protestant, Catholic, Jewish, Muslim, and Native American. However, several other religious groups assemble at MSCP, including the following earth or nature-based faiths: Toltecs, Odinists, and Wiccans. We learned from the inmate appeals coordinator that the Toltecs requested their own space, similar to the Native Americans.



**Figure 5 – Religious Grounds, Facility C.  
Photo: CDCR December 2010**

The plant operations manager noted that religious grounds were recently reconfigured and standardized so all religious groups had the same amount of square footage on each of the main yards (Facility A, B, and C).

Additionally, the warden stated that he helped create the Warden’s Advisory Group, which began in early-2010, to discuss religious issues with other wardens. Also, a

religious review committee meets every month at MCSP to discuss religious concerns that are brought forward by inmates.

### Category 3: Business Operations

A prison's business operations include budget planning and control; personnel administration; accounting and procurement services; employee training and development; and facility maintenance and operations. It is important for the warden to be knowledgeable in these areas to effectively perform his duties.

*Table 4: Business Operations – Employee Survey Results*

Respondents	Positive	Negative
Custody	77%	23%
Health Care	60%	40%
Admin, Plant Operations, and Other	74%	26%
<b>Weighted Average</b>	<b>72%</b>	<b>28%</b>

*Source: OIG survey of MCSP employees. See Appendix for details.*

As shown in Table 4, 72 percent of the prison employees’ responses were positive about the prison’s business operations and 28 percent were negative. Our analysis of the information gathered from CDCR's data, employee survey responses, and employee interviews uncovered three specific areas that we discussed further with the warden and with other management team members: Hiring Process, Plant Operations and Maintenance, and Overtime Usage.

#### *Hiring Process*

Our surveys and interviews, revealed concerns from several prison employees about the hiring process at MCSP. One management employee raised the issue of consistency within the hiring process stating “sometimes we interview every applicant and sometimes applicants are screened out...During the interview process we interview candidates who are not eligible [for the vacancy], it seems to be a waste of management [resources] and time.” Another management employee said that personnel practices are inconsistent, for instance, we did not interview for correctional counselor positions but later we interviewed for other promotional positions. Another employee, who gave the warden an overall “unacceptable” rating, mentioned the poor rating was due to questionable management practices involving the promotion of certain staff.

When we asked Warden Martel about his hiring practices, he acknowledged there were previous complaints from staff on this issue. The warden provided one past example in which eight employees were not interviewed for positions to which they applied; however, he was not made aware that candidates were screened out. The warden stated he was later advised to interview all applicants. Thus, he has directed staff to interview every applicant (e.g. regardless of eligibility for the position), and rotates interview panel members to make sure all management team members are part of the selection process.

To verify the institution’s current hiring process, we requested the hiring information for four positions – Correctional Counselor II (Supervisor), Correctional Lieutenant, Correctional Sergeant, and Case Records Technician, in which interviews were conducted from June 2010 through September 2010. There were a total of 70 applicants

and no applicants were screened out. The only applicants who did not interview either cancelled their interview or did not appear.

The Institution Personnel Officer notified us that MCSP is in the process of updating their Personnel Operations Manual regarding the “Request for personnel action/ hiring process.” We learned that the detailed procedures were updated in November 2010 and all managers and supervisors were to receive training on the updated process on December 3, 2010.

### ***Plant Operations and Maintenance***

Sixty percent of employees responding to our survey had favorable responses about plant operations and its ability to meet their needs. As we assessed plant operations and maintenance issues during our fieldwork, many MCSP employees commended the new plant manager for bringing a fresh perspective to the job and noticed improvements in plant operations. Also, we learned from management that the warden was instrumental in having a stationary engineer and an electrician change their work schedule to be available on Saturday.

We received many positive comments that plant operations was operating well in spite of staffing shortages due to the budget reductions. Some of the comments regarding plant operations include:

- Response to work orders was terrible, ever since [the new plant operations manager] came on, it has improved tremendously in the past few months;
- It is getting better, they now have a stationary engineer and electrician on grounds during the weekend; and
- Has been prompt lately, I know that staffing has been a problem.



**Figure 6 – CTC Building, Reception Area.  
Photo: OIG October 2010**

Even with the improvements in the plant operations, problems do arise, due in part to the age of the institution. During our tour of the Correctional Treatment Center (CTC) building we noticed several areas of cracked flooring and areas in which the flooring was peeling and flaking (see Figure 6). We learned that when the institution was built 23 years ago, no vapor barrier was placed under the cement slabs. Thus, the floors are prone to peel and need repair. During our visit, the warden stated MCSP recently received approval to have the floors repaired in CTC.

### *Overtime Usage*

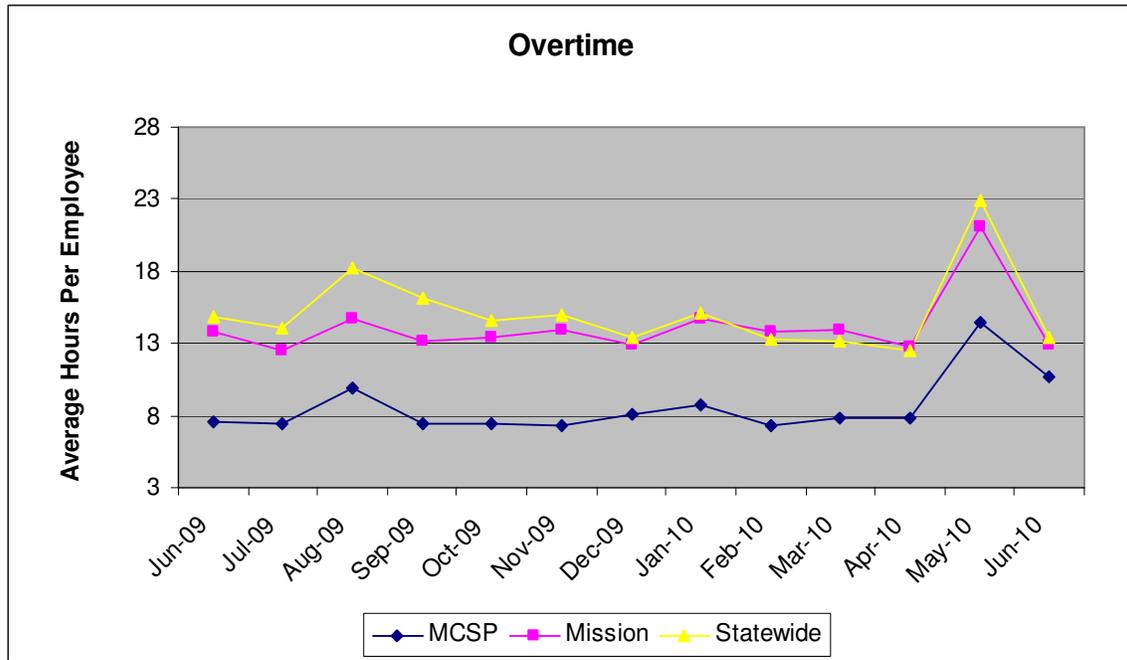
The control of overtime is one indicator of a warden's ability to manage a prison's overall operations because it requires the warden to ensure the use of good budgeting, planning, and personnel administration practices. To assess MCSP's overtime usage, we compared its overtime to both the statewide average for all prisons, as well as the average for similar prisons.

As displayed in Chart 4, during the 13-month period from June 2009 through June 2010, MCSP consistently incurred fewer average overtime hours per employee than the statewide and comparable mission averages. This is a strong indication the warden is actively dealing with overtime issues.

CDCR's staff reduction initiative requires that the prison redirect three percent of its employees to other posts to fill in for absent or ill employees instead of incurring overtime. A MCSP manager stated that the redirections, however, have had a negative impact on employee morale. To further explain MCSP's low overtime usage, we learned from custody management that Warden Martel actively oversees the sick leave committee. The warden ensures that manager's document conversations held with custody staff where potential abuse of sick leave is occurring. We were told the warden focuses on the master assignment roster (MAR), which reflects staff coverage of assigned posts, to ensure that is configured in a manner to most efficiently utilize positions and operate within its budget allotment.

Warden Martel further attributed the lower overtime usage to the institutions ability to manage the bed population at MCSP. For instance, bed utilization is a daily discussion with managers, whether it is with high cost ASU beds, obtaining more EOP beds, or maintaining its emergency beds (e-beds). One custody manager focusing on bed utilization stated it is about having the "right inmate in the right bed for the right reasons."

**Chart 4**



Source: California Department of Corrections and Rehabilitation, CompStat ending June 30, 2010, Mule Creek State Prison. Unaudited data.

During our visit, custody management was in the process of deactivating 216 beds in their dayroom, first eliminating 108 beds in Facility B in October and subsequently eliminating 108 beds in Facility C, effective November 1, 2010. One manager was concerned that if they lose more e-beds (dormitory beds), MCSP would see reductions in custody and non-custody positions. However, the warden stated he has been preparing for the reduction of inmates and noted the possibility of losing available vacant custody positions. Also, the warden shared with his staff what the state is trying to accomplish by alleviating overcrowding statewide and sending inmates out of state.



**Figure 7 – E-beds, Facility C. Photo: OIG October 2010**

## Category 4: Employee-Management Relations

According to the U.S. Department of Justice, successful leaders “invite communication, listen well, and prove themselves

trustworthy by exhibiting rational, caring, and predictable behavior in their interpersonal relationships.”<sup>5</sup> The warden’s ability to communicate plays an important role in employee relations and is vital in implementing CDCR’s vision and mission at each prison. Not only must the warden interact with employees at all levels and communicate instructions and directions clearly and effectively, but the warden must also communicate effectively with CDCR headquarters and the surrounding community.

*Table 5: Employee-Management Relations – Employee Survey Results*

Respondents	Positive	Negative
Custody	87%	13%
Health Care	87%	13%
Admin, Plant Operations, and Other	81%	19%
<b>Weighted Average</b>	<b>85%</b>	<b>15%</b>

*Source: OIG survey of MCSP employees. See Appendix for details.*

As shown in Table 5 above, 85 percent of the prison employees’ responses regarding employee-management relations were positive. Although the opinions of employees and other stakeholders provide one measure of the warden’s employee-management relations, another measure can be found in the number of grievances filed by the prison’s employees. Our analysis of employees’ responses to our surveys and statistics on employee grievances, as well as our interviews with the warden’s management team and other employees, identified four topics for further consideration: Employee Survey and Interview Responses, Warden Management Skills and Qualities, Relations with Internal and External Stakeholders and Non-Custody Staff, and Employee Grievances.

### *Employee Survey and Interview Responses*

The survey questions in the employee-management relations category dealt with such areas as the warden’s knowledge, use of authority, professionalism, communication skills, approach to employee discipline, and overall employee-management relations. These areas all contribute to the culture of the work environment.

When we asked employees what the warden’s greatest accomplishment was since he had been appointed, the most frequent response was his management style that has enhanced employee morale and staff camaraderie, in spite of the state’s employee furlough program and state budget cuts. Some of the statements from employees through surveys and on-site interviews include:

- Warden Martel continues to move forward with the mission of MCSP even with all of the different competing interests (e.g. custody, medical, mental health, education). With the budget constraints, keeping everyone moving forward is an accomplishment;
- The warden sets the tone of things at an institution. I enjoy working at Mule Creek; he has developed a strong camaraderie among staff; and

<sup>5</sup> *Correctional Leadership Competencies for the 21<sup>st</sup> Century*, U.S. Department of Justice, National Institute of Corrections (December 2006).

- He’s (Warden Martel) turned around the attitude of staff, the overall morale and attitude was really bad for awhile... he can relate to us as he came up through [the custody side].

During interviews with management, we received many comments on how the warden holds his employees accountable for their actions. One example mentioned frequently was the warden’s use of the “24-hour clock.” The 24-hour clock is a summary report that identifies all key daily aspects of the institution, including: counts, feeding, inmate programming, healthcare, and staff shift changes. We learned that the 24-hour clock helps set a production standard. A custody manager stated that all CDCR institutions statewide use the 24-hour clock; however, Warden Martel ensures that it is being followed and enforced. The warden responded that he is a schedule guy and likes to keep things running on time – “I like planes and trains that run on time.”

The warden and staff mentioned several things that MCSP employees do to benefit the community, including an annual toy drive, annual golf tournament, and food sales. MCSP employees, in collaboration with the Amador County Sheriff’s Office, provide toys for children in the community. The annual memorial golf tournament acts as a fundraiser for MCSP, in partnership with the Correctional Peace Officer Foundation (CPOF), to benefit CPOF and various Amador County non-profit organizations and charities. MCSP’s program-sponsored food sales primarily benefit local businesses and allow inmates to purchase food such as pizza and chicken. The warden stated that 20 percent of the proceeds in food sales are donated to local non-profit organizations. Additionally, we received many positive comments from staff regarding the warden’s encouragement and recognition of employees, including the annual staff appreciation day, employee of the month, car wash for employees, bus charter to a San Francisco Giants game, and maintaining the employee cafeteria.

***Warden Management Skills and Qualities***

Based on the survey results, we found that the warden’s management team and CDCR’s management believe that Warden Martel is performing at a “very good” level.

CDCR officials and MCSP managers rated Warden Martel favorably for his management skills and other qualities. Our survey asked the officials and managers to consider the warden’s performance in six management categories and rate the performance as either “unacceptable,” “improvement needed,” “satisfactory,” “very good,” or “outstanding.” As shown in Table 6, all of the responding stakeholders believe that the warden is performing at a level of “very good” in all categories.

*Table 6: Rating of Warden’s Management Skills and Qualities*

Category	Rating
Personal Characteristics/Traits	Very Good
Relationships with Others	Very Good
Leadership	Very Good
Communication	Very Good
Decision Making	Very Good
Organization/Planning	Very Good

*Source: OIG survey of CDCR and MCSP management.*

Employees we spoke with during our visit made various positive comments about Warden Martel's management skills and qualities. Many employees praised the warden's management team. One manager noted that, "although we have been brought on by different wardens, we have a common theme in supporting each other." Some additional statements directly from management regarding the warden's management team include:

- Every time there is a mission change or change in our working environment, the warden is always concerned about getting the managers together... The warden always considers management's input;
- Operation Disconnect (e.g. conduct random searches of employees), the warden told the management team that we are going to respect people's privacy but improve the safety and security of the prison; and
- He is a people's warden; he cares about his staff and makes you feel that you are part of the team and the solution.

### ***Relations with Internal and External Stakeholders and Non-Custody Staff***

Another aspect in improving relations is the institution's involvement with internal and external organizations, inmate advocacy groups, and how the warden provides support to non-custody staff. We were told by representatives of the employee unions; Citizens Advisory Committee (CAC); Inmate Family Council (IFC); the Men's Advisory Council (MAC); local law enforcement agencies; and non-custody staff members from health care and education that they had a mostly positive working relationship with the warden. We did, however, receive a few comments from health care and education employees where the partnership between custody and non-custody staff could be strengthened.

We interviewed representatives from the California Correctional Peace Officers Association (CCPOA), Service Employees International Union (SEIU), and California Correctional Supervisors Organization (CCSO) who each gave Warden Martel very good to outstanding ratings and said that they have a good working relationship and good communication with the warden and his team. Although the unions are not in agreement with the department in taking away education and vocation positions and programming for inmates, they understand those are not decisions made by the warden.

The CAC representatives noted that Warden Martel is always ready to work with them; and will always find the answer if he does not know it. The IFC representative noted that the warden has attended the last four IFC meetings and has taken action on items. The representative felt it was unfortunate that education is always the first to go when there are budget problems, and as a result, inmate programming suffers.

One of the MAC representatives asserted that Martel is approachable and willing to talk to you. For instance, the representatives were kept informed when the rolling blackouts (three percent staff redirections) started and they acknowledged that the warden has really tried to make it work. Another representative said that the warden has new ideas for fundraisers and they are hoping to get more food vendors for monthly food sales.

Warden Martel has also partnered with local law enforcement. The Amador County Sheriff offered in a survey that Warden Martel is actively engaged with the law enforcement community and brings his expertise to the Amador County Combined Narcotics Task Force (ACCNET) on all matters related to Mule Creek State Prison. Based on that involvement, the sheriff rated Warden Martel “outstanding” in his professional abilities. The sheriff wrote that Warden Martel is always approachable and provides easy access to his command staff. Furthermore, Warden Martel is an excellent representative for CDCR in this community and you can trust him with all matters.

During our interviews, health care employees gave Warden Martel ratings from “satisfactory” to “outstanding” while education employees gave either “very good” or “outstanding” ratings. Many health care employees were positive about the warden, including one health care employee who said that although health care and custody are separate units, we all work for MCSP and are a team. Another health care employee who gave a satisfactory rating was not as favorable due to a presentation that Warden Martel delivered in an unprofessional tone regarding a new process to schedule medical appointments. Although education employees gave the warden an overall positive rating, they believe that education and programming have taken a downturn at MCSP. One education employee stated he would like to see the warden have more focus on education. Another education employee has noticed that the attitude of custody staff towards education staff has been going downward. The employee stated that the warden is a custody man, which is important; however, he believes that education should be seen as being more valuable.

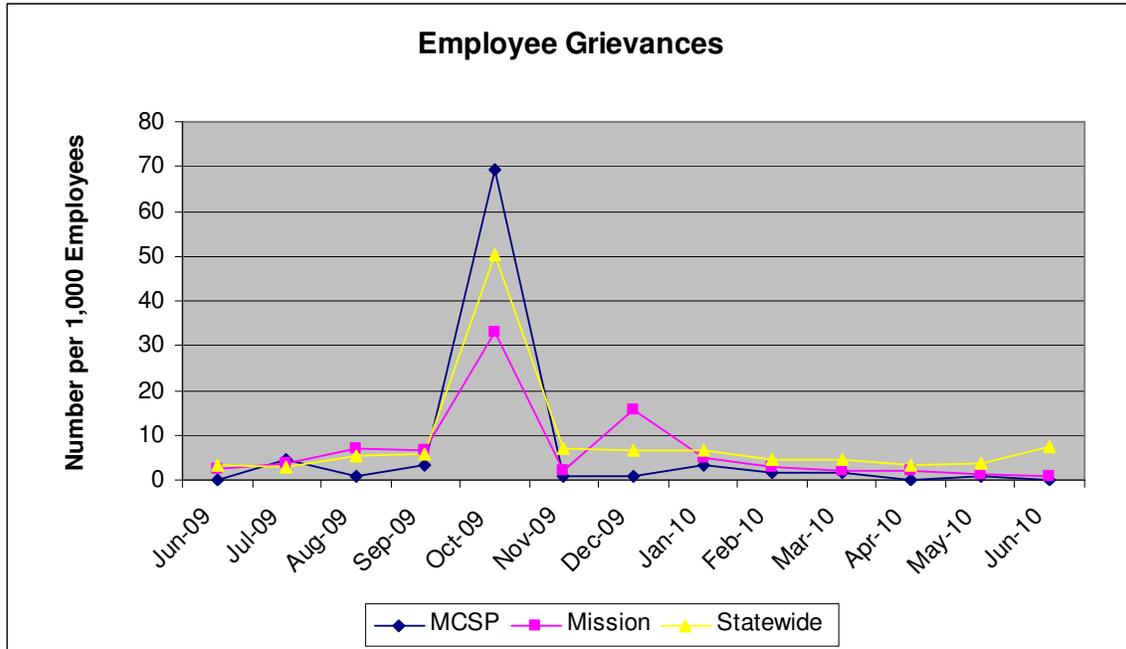
Regarding how the budget cuts impacted education programs, the warden acknowledged that the CDCR Office of Correctional Education (OCE) changed the education model provided at MCSP. Also, most of the teachers let go by the department were either not able or not interested in finding jobs at MCSP due to their skill set. The institution’s new Education Principal is implementing the new education model and believes that MCSP is a programming institution and that the warden promotes inmate programming.

### ***Employee Grievances***

All employees have the right to express their grievances through an established CDCR procedure. The employee grievance process is the way employees file complaints regarding general work place disputes and disciplinary matters. When we reviewed the grievance statistics in Chart 5, it showed that grievance levels during the period of June 1, 2009 to June 30, 2010, were lower at MCSP than for both the statewide and mission-specific prisons, in all months except October 2009. It should be noted that MCSP had either no grievance or only one grievance filed in seven of the thirteen months we reviewed.

We spoke with the MCSP labor relations staff who explained the reason for the higher grievances in October 2009 was due to the state’s elimination of the Columbus Day holiday. Service Employees International Union (SEIU) members filed 88 grievances during October 2009 to show their protest of this change.

**Chart 5**

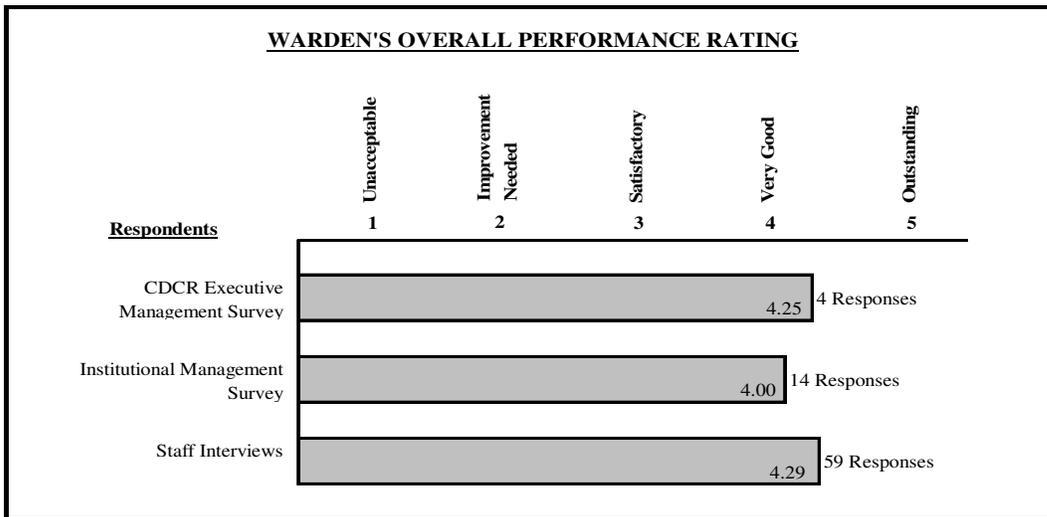


Source: California Department of Corrections and Rehabilitation, CompStat ending June 30, 2010, Mule Creek State Prison. Unaudited data. CompStat Coordinator provided revised figures for MCSP on December 14, 2010.

## Overall Summary

In addition to our review of the four categories of safety and security, inmate programming, business operations, and employee-management relations areas, the assessment of the warden’s performance also included an overall performance rating. We based the rating on survey responses from CDCR officials, MCSP managers, and from interviews conducted with MCSP employees during our site visit. Employees were asked, given all of the challenges that the prison faces, to rate the warden’s performance from outstanding to unacceptable. As shown in Chart 6, the respondents rated the warden’s overall performance at or slightly above very good.

**Chart 6**



Source: *OIG survey of CDCR and MCSP management and MCSP employee interviews.*

The four responses from CDCR’s executive management team regarding the warden’s performance, included high scores, indicating that they believe the warden is doing a very good job overall. Similarly, the 14 surveyed prison managers who rated the warden’s overall performance believe the warden is also doing a very good job. The 59 interviews conducted with employees yielded comparable results, although the scores ranged from unacceptable to outstanding, the average rating was between very good and outstanding. In fact, 90 percent (53 out of 59 responses) of employees rated Warden Martel’s overall performance as very good or outstanding; while many of the respondents rating the warden as “very good” stated that no one deserves an outstanding rating as there is always room for improvement. Additionally, the five stakeholders rated the warden’s overall performance as outstanding.

In conclusion, we found that Safety and Security, Inmate Programming, and Business Operations to be operating at a satisfactory level in those areas within the warden’s control. Moreover, the warden has developed a cohesive management team as reflected in the positive comments received about the institution’s morale.

# Appendix

## Employee Survey Results

To prepare for our site visit to MCSP, we randomly selected 228 of the prison's employees and sent them a survey. The survey process provides information about employees' perceptions of the warden's overall performance as well as information about specific operational areas at the prison: Safety and Security, Inmate Programming, Business Operations, and Employee-Management Relations. Eighty-seven MCSP employees responded to our survey—a 38 percent response rate. To simplify the analysis of the survey results, we grouped survey respondents by category and identified response trends. We did not, however, ask for the employee's name as we wanted their responses to be anonymous.

Specifically, we grouped the respondents into three employment categories: Custody, Health Care, and Other (which include employees in education, plant operations, administration, and clerical positions.) Then, to identify strong trends or patterns, we classified the responses to questions as either positive or negative. For example, if the respondent "agreed" or "strongly agreed" with the question, we classified it as positive. If the respondent "disagreed" or "strongly disagreed" with the question, we classified it as negative. Passive responses were not included. If employees responded that they were "neutral" or responded "unknown," we excluded their response.

Results are reported in the table on the following page.

**Appendix: Compilation of Institutional Employee Survey Responses - Mule Creek State Prison**

Operational Area/Question	Respondents' Employment Category						Total Responses			
	Custody		Health Care		Other		Pos	(%)	Neg	(%)
<b><u>Safety and Security</u></b>	<i>Pos</i>	<i>Neg</i>	<i>Pos</i>	<i>Neg</i>	<i>Pos</i>	<i>Neg</i>				
1. The institution is meeting its safety and security mission.	23	5	14	2	23	2	60	87%	9	13%
2. Employees effectively respond to emergencies.	26	2	15	1	27	1	68	94%	4	6%
3. You are issued or have access to all safety equipment you need.	26	1	14	2	25	4	65	90%	7	10%
4. You receive all required safety training.	27	0	15	1	27	2	69	96%	3	4%
5. The CDC-115 inmate disciplinary process modifies inmate misbehavior.	16	8	8	5	18	4	42	71%	17	29%
6. The CDC-602 inmate appeal process provides inmates an effective method for airing their grievances.	22	4	11	4	26	0	59	88%	8	12%
7. Safety and Security has improved since the warden's appointment.	25	2	8	2	12	3	45	87%	7	13%
<b>Totals</b>	<b>165</b>	<b>22</b>	<b>85</b>	<b>17</b>	<b>158</b>	<b>16</b>	<b>408</b>		<b>55</b>	
<i>Percent of Responses by Category</i>	<i>88%</i>	<i>12%</i>	<i>83%</i>	<i>17%</i>	<i>91%</i>	<i>9%</i>	<i>88%</i>		<i>12%</i>	
<b><u>Inmate Programming</u></b>										
8. The institution is meeting its inmate programming mission.	13	7	9	5	13	4	35	69%	16	31%
9. The inmate assignment process places the right inmate into the right rehabilitative program.	12	8	7	4	14	3	33	69%	15	31%
10. Inmate programming is adequate for the number of inmates at the institution who would benefit from the education or work experience.	9	14	5	6	9	5	23	48%	25	52%
11. Inmate programming has improved since the warden's appointment.	12	10	4	4	7	5	23	55%	19	45%
<b>Totals</b>	<b>46</b>	<b>39</b>	<b>25</b>	<b>19</b>	<b>43</b>	<b>17</b>	<b>114</b>		<b>75</b>	
<i>Percent of Responses by Category</i>	<i>54%</i>	<i>46%</i>	<i>57%</i>	<i>43%</i>	<i>72%</i>	<i>28%</i>	<i>60%</i>		<i>40%</i>	
<b><u>Business Operations</u></b>										
12. Plant operations employees are able to meet maintenance and repair needs in your assigned area.	12	13	9	7	18	6	39	60%	26	40%
13. Your assigned area has enough employees to get all of the required work done.	25	1	9	5	18	10	52	76%	16	24%
14. Your work area operates without waste of resources.	21	4	9	6	20	6	50	76%	16	24%
15. Business operations have improved since the warden's appointment.	16	4	5	3	12	2	33	79%	9	21%
<b>Totals</b>	<b>74</b>	<b>22</b>	<b>32</b>	<b>21</b>	<b>68</b>	<b>24</b>	<b>174</b>		<b>67</b>	
<i>Percent of Responses by Category</i>	<i>77%</i>	<i>23%</i>	<i>60%</i>	<i>40%</i>	<i>74%</i>	<i>26%</i>	<i>72%</i>		<i>28%</i>	
<b><u>Employee-Management Relations</u></b>										
16. The warden is knowledgeable about the day to day operations in your work area.	23	1	8	0	16	6	47	87%	7	13%
17. The warden welcomes feedback, including criticism from employees.	26	2	9	1	21	3	56	90%	6	10%
18. The warden does not abuse his or her power or authority.	24	2	11	1	20	4	55	89%	7	11%
19. The warden works effectively with the local bargaining unit representatives.	18	2	7	1	11	2	36	88%	5	12%
20. The warden is ethical, professional, and motivated.	25	2	10	1	21	4	56	89%	7	11%
21. The warden is in control of the institution.	27	1	12	0	21	3	60	94%	4	6%
22. The management team keeps employees informed about relevant issues.	18	8	13	2	22	5	53	78%	15	22%
23. The employee investigation/disciplinary process is fair, effective, and timely.	18	5	9	3	14	1	41	82%	9	18%
24. The employee grievance process is responsive to employee complaints, is fair in its application, and does not result in retaliation.	15	4	8	3	10	7	33	70%	14	30%
25. Employee-management relations have improved since the warden's appointment.	17	4	6	2	13	4	36	78%	10	22%
<b>Totals</b>	<b>211</b>	<b>31</b>	<b>93</b>	<b>14</b>	<b>169</b>	<b>39</b>	<b>473</b>		<b>84</b>	
<i>Percent of Responses by Category</i>	<i>87%</i>	<i>13%</i>	<i>87%</i>	<i>13%</i>	<i>81%</i>	<i>19%</i>	<i>85%</i>		<i>15%</i>	
<b><u>Overall Warden Rating</u></b>										
26. Considering all institutional challenges, how would you rate the warden's performance?	26	1	11	1	21	3	58	92%	5	8%
<i>Percent of Responses by Category</i>	<i>96%</i>	<i>4%</i>	<i>92%</i>	<i>8%</i>	<i>88%</i>	<i>13%</i>	<i>92%</i>		<i>8%</i>	

Source: OIG, Institutional Employee Survey Results for Mule Creek State Prison (MCSP).

**California Department of Corrections and  
Rehabilitation's Response**

## OFFICE OF THE SECRETARY

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



March 25, 2011

Mr. Bruce Monfross  
Inspector General (A)  
Office of the Inspector General  
P.O. Box 348780  
Sacramento, CA 95834-8780

Dear Mr. Monfross:

We are pleased to submit this response to your draft report entitled *Mule Creek State Prison, Warden Michael Martel, One-Year Audit*. We appreciate your acknowledgement of Warden Martel's outstanding communication skills, partnerships with local law enforcement agencies and active involvement in community projects and events. We value Warden Martel's participation and support in inmate programming and the consistently low overtime usage at MCSP. The California Department of Corrections and Rehabilitation concurs with the overall assessment of his performance.

We would like to thank the Office of the Inspector General for the opportunity to provide comment on this report. If you should have any questions or concerns, please call my office at (916) 323-6001.

Sincerely,

SCOTT KERNAN  
Undersecretary, Operations

cc: Michael Martel