



CALIFORNIA PRISON HEALTH CARE SERVICES

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New Reports Dispel Concerns about the Receiver's Construction Program

New Details Emerge about Costs, Bingo, Basketball Courts, Landscaping, and other 'Amenities'

(See photos of the Schwarzenegger Administration's "State-of -the- Art" facility for Sexually Violent Predators here:
http://www.dmh.ca.gov/Services_and_Programs/State_Hospitals/Coalinga/Photos.asp)

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Receiver's Press Briefing: 501 J. Street, 11:30am, Call-in number: 1-888-272- 7337, ID# 3554858

(Sacramento, CA) Federal Receiver Clark Kelso is releasing four separate reports that address correctional health care facility funding issues raised in the Legislative Analyst Office's January 30, 2009 report entitled "Judicial and Criminal Justice." Additionally, details have emerged about 'hot button' topics used by critics in attempts to derail the Receiver's plans.

Costs are Higher Due to State's Request

The Receiver appreciates the efforts by the LAO to keep abreast of an emerging construction program that has been carefully coordinated with the CDCR and Department of Mental Health. To assist the LAO, the Receiver arranged for on-site access to the construction planning process, provided numerous documents, and responded to a significant number of questions.

In its report, the LAO correctly notes that half of the beds and more than half of the treatment space in the proposed health care facilities is to be utilized for mentally ill inmates, and that costs for construction "remains high." What has not been clarified is that a very significant portion of the overall construction program comes not from the "medical beds" proposed by the Receiver, but from the March 2008 request, by the Governor's Office, to include mental health beds and treatment facilities in this construction project. Mental health treatment is the responsibility of the Department of Corrections and Rehabilitation (CDCR) and the Department of Mental Health (DMH), not the Receivership.

The Receiver has been criticized by State officials for proposed program space such as **basketball Courts, therapy rooms, and landscaping**. But in fact, the inclusion of these programs and facilities reflects DMH's own policy and practice. DMH and CDCR mental health officials report directly to the Governor, not to the Receiver. The DMH website referred to above features photos of many of the treatment spaces currently available at the Coalinga State Hospital which treats sexually violent predators. In fact, Coalinga State Hospital, which provides sexually violent predators with an electronic bingo board, therapy rooms, basketball courts and other amenities was constructed and **opened in 2005 by the Schwarzenegger Administration**.

"The Administration asked me to add mental health beds and treatment space to my program to help the Administration comply with the requirement of the *Coleman* lawsuit." says Kelso. "My design team worked directly with the Administration's top experts in mental health treatment and designed a facility consistent with the State's practices and policies. They are the experts, and they know what is necessary and what works and doesn't work. The criticisms targeted at the Receivership over these treatment spaces are misguided – it's the Administration's own program they are criticizing, and the pictures on the DMH website confirm that." The inclusion of the 5,000 mental health beds and treatment facilities into the plan has more than doubled the original cost of the Receiver's construction.

Operating Costs Lower than State Estimates

The LAO report cites the Receivership's estimates concerning the annual cost of operating all seven facilities. The LAO report shows **costs will be less than half** of that which has recently been quoted by the Administration and the Attorney General. While the Governor and Attorney General have publicized annual costs as high as \$2.5 Billion a year, the LAO report estimates the total operating costs at \$1.4 Billion per year for all 7 facilities. Similar to construction, however, the great bulk of projected operational costs are due to mental health, especially staffing and salaries proposed by DMH. Receiver J. Clark

Kelso says, "I am confident that these figures will continue to decrease. I have ordered my team of architects and planners to continue to find ways to reduce costs while still achieving our objective of constitutionally adequate health care. In addition, I plan to release within 10 days a report to the Federal District Court Judges overseeing the four California class actions that sets forth three construction options. As will be apparent in that report, the annual cost to operate three medical facilities is far less than the operating projections for seven facilities that would include in-patient DMH mental health beds."

New Report says Prisoner Release Would Not Significantly Decrease Need for Facilities

In its report released on Friday, the LAO points out that the Receiver's initial bed count was based on outdated prisoner population projections and did not consider the possibility of a prisoner release program. Released today in a new report, Abt Associates presents updated figures that incorporate new population projections. It concludes that **even if the Schwarzenegger Administration orders a one time release of 50,000 prisoners, the need for long-term care beds would change very little (5%)**. And in another report released today, an independent review of these projections confirms their legitimacy and concludes that "it would be a mistake to reduce estimated future needs based on a proposed one-time early release". Nevertheless, the Receiver continues to insist that long-term health care facilities be constructed in stages so that fewer facilities can be built if the need decreases due to changed circumstances.

PLRA Exemption for ADA inmates

Also released today are two reports that demonstrate that 99% of inmates who would be housed in the Receiver's long-term care facilities have significant medical and/or mental health functional impairment and qualify as disabled under the "Americans with Disabilities Act" (ADA). This is important because ADA facilities are specifically exempt from inclusion in the Prison Litigation Reform Act (PLRA), the very statute on which the state bases its legal objection to the Receiver's construction plans.