

VOICES OF CALIFORNIA'S CIVIL DETAINEES AT COALINGA STATE HOSPITAL

MARCH 2011

Ex-Napa Hospital Chief Found Guilty of Sex Abuse

William Hester, Editor

(includes excerpts from the Associated Press report by Gillian flaccus)

A former California state mental hospital director was found guilty of multiple counts of sexually abusing his adopted son I what prosecutors contend was a pattern of preying on young boys that spanned four decades.

A Superior Court jury convicted the 63-year-old Foulk of 31 of 35 counts of sex crimes, including lewd and lascivious acts on a child and sodomy by use of force.

Prosecutors say another 11 men came forward to claim that Foulk molested them as children dating back to 1965, but only the son's case could be prosecuted because of the statute of limitations.

Foulk is facing two hundred plus years in prison and will never see freedom again in this lifetime.

One of Foulk's two adopted sons is quoted as saying, "My heart was beating so fast right before she read it (the verdict). He'll rot in jail for the rest of his life and that makes me feel so good."

Foulk watched the testimony with a blank stare and took

the stand to deny the allegations.

He worked as a nurse, obtained a master's in business administration and held previous state jobs before working at Napa State Hospital. He was a foster parent to two boys and had adopted two sons.

The prosecutor, Danette Gomez argued that Foulk used the foster care system to acquire boys to meet his insatiable sexual appetite, knowing they had no parents to turn to. She added that the years of abuse had led the boys to turn to alcohol and drugs and caused them to have trouble forming lasting relationships.

Foulk's attorney, Richard Pollard, claimed that Foulk's son had a history of lying and that there was no physical evidence to back up his claims.

The investigation into Foulk was sparked when someone reported the sexual abuse after learning that Foulk was the head of Napa State Hospital.

The end?

Sex Offender Agency Faults Megan's Law Drawbacks

By John Simerman of the Contra Costa Times

Updated: 02/17/2010 07:12:34 AM PST

SACRAMENTO — California's free-swinging approach to laws aimed at sex offenders has made thousands of them homeless, bloated the parolee database and spawned costly programs with little evidence they make residents safer, according to members of a state board that recommended several changes Tuesday.

Those laws also failed to help nab Phillip Garrido, the paroled rapist accused of abducting Jaycee Dugard, said lawmakers at a Capitol hearing Tuesday.

Just what they figure to do about it remains uncertain. A handful of state lawmakers at the hearing openly mulled the political risks of a "soft on crime" tag.

Homelessness has spread among the parolees, said Matthew Cate, secretary of corrections and rehabilitation. More than a quarter of the 8,750 offenders on parole are transient, and another 900 are at large, he said.

Before Jessica's Law, which barred sex offenders from living within 2,000 feet of a school or park where children regularly gather, fewer than 100 were homeless.

In San Francisco, which is blanketed with the 2,000-foot zones, 84 percent of paroled sex offenders are homeless, he said.

The state Sex Offender Management Board, which issued the report, cites studies showing that kind of instability increases the risk of another sex offense.

GPS can help parole agents keep track, Cate said, but he admitted the state agency has struggled with the technology.

Garrido's parole agent ignored dozens of alarms that the parolee's GPS anklet failed to send a signal.

Cate said about 7,100 parolee sex offenders have GPS anklets, at a cost of more than \$55 million a year.

Again expressing regret for the agency's handling of the Garrido case, Cate cited several changes made since, including more training for agents, a new level of parole management and closer scrutiny of GPS signals.

Some lawmakers asked whether some of the money would be better spent on treatment.

The state has largely ignored treatment, despite studies that show it significantly reduces recidivism, said Tom Tobin, a Contra Costa County psychologist and board member.

"Treatment is not coddling sex offenders. It's tough. Most sex

CONTINUES ON PAGE 4



Guidelines for Publication

All submissions to *The Insider* are subject to editing for proper grammar, punctuation, length, language, and clarity. They may not include hate-speech, inciting or inflammatory language, or unnecessary profanity. Any submissions may be returned to the individual author for revision or rejected outright.

The Insider is produced at Coalinga State Hospital, in Coalinga, California. Material published in this electronic paper is written, edited, and published entirely by hospital residents.

The ideas and opinions expressed herein do not reflect the opinions of the hospital's staff or its administration, unless otherwise noted.

The Insider is dedicated to fair, unbiased and impartial reporting of information, current events, and news that is of interest to civil detainees and others who are interested in finding out about the real people here. Any questions and correspondence can be submitted by mail to:

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P.O. Box 5003
Coalinga, CA 93210

THE VIEW FROM THE EDITOR'S SEAT

As I sat down to write this I encountered every writer's worst nightmare... WRITER'S BLOCK! I had absolutely no idea what to write. I didn't have a single thought (yeah, those of you who know me go ahead and laugh) in my head. What to do? The Insider is done except for me putting something down.

So, I went for a walk around the mall area, talked to a few people, bought a Pepsi®, and then returned to my doom. While I was out walking, I was given a copy of the newsletter produced at the Wisconsin Resource Center, Volume 3, Issue 37 from January 2011. I also received a copy of an internet report on New Hampshire.

In order to do justice to my journalistic counterparts in Wisconsin, I am going to reserve comments on the Patient's Corner until I have enough time to read all the way through it. I am interested in sharing the New Hampshire piece now though. It is fairly short, but very interesting. Without further babbling, here is "Little New England state serious about its motto."

"Live Free or Die" even applies to sex offenders

<http://forensicpsychologist.blogspot.com/2011/01/tiny-new-england-serious-about-its.html>

In most of the 20 U.S. states with civil commitment statutes for sex offenders, the costs are staggering. As I have reported previously, millions of dollars are being spent to prosecute and detain certain recidivist sex offenders, while public school teachers must beg for basic supplies like pencils and paper.

New Hampshire is a dramatic exception. Since passing its civil commitment law four years ago, it has civilly committed only two men.

Yes, only two. William Ploof and Thomas Hurley. Both, not surprisingly, has sexually assaulted boys, not girls or women.

The dearth of commitments was a big surprise, according to an AP article by Norma Love. The state's Corrections Commissioner had set aside 10 psychiatric beds and thought those would be overrun. The chief public defender had hired three new attorneys and a legal secretary and opened a new office in anticipation of a flood of cases. He's since laid off most of the new staff.

Of the many hundreds of cases referred to prosecutors for review, just eight have been found to merit prosecution. In the United States as a whole, more than 5,000 sexual predators are confined indefinitely.

Some attribute New Hampshire's reticence to preemptively detain citizens to its civil libertarian philosophy, as manifested by its state motto. The state does not require seatbelts or helmets and rarely pursues the death penalty.

But also, there seems to be no rabid political or citizen lobby like elsewhere. A spokeswoman from the Coalition Against Domestic and Sexual Violence, for instance, said her group is fine with the law's implementation. Amanda Grady told the AP reporter that she trusts New Hampshire's prosecutors to pick the option that best fits the individual case - whether it be monitoring felons through parole, civil commitment or the state's sex offender registry.

Could this be a little spark of rationality and common sense (as opposed to moral panic) in crime policy in 21st century America? If so, three cheers for The Granite State.

Could this be a little spark of rationality and common sense (as opposed to moral panic) in crime policy in 21st century America? Wouldn't it be nice if this particular spark could be flamed into the flame of rationality and common sense that swept through are nation of panic ridden sheep who follow where ever politicians tell them to? Could you imagine the effects on the political landscape if all those politicians lost their favorite whipping boys (people convicted of sex crimes)?

I can only hope that perhaps others will witness the position taken by New Hampshire and think before they legislate. My hat is off to the People of the state of New Hampshire. Stay free.

William Hester, Editor

WORST BUY

Daniel Cebada

When businesses abuse their customers, the consumer has a right to know. It is for this reason that I am writing this article.

I recently suffered through a 5 month long nightmare with Best Buy. A computer error was causing my orders to be cancelled. I tried to resolve the issue at various levels within the company and all they did was pass the buck from one department to the next. For months, no one could even tell me what the problem was and despite assurances that someone would contact me within days, I sat and waited while weeks and then months rolled by without hearing from anyone. Repeated calls to Best Buy yielded more run-around, passing the buck and frustration. Rather than provide any answers, customer service reps repeated the mantra "it's not our department" and provided no real assistance.

Finally, after reporting the issue to the Better Business Bureau, I got ahold of someone higher up in the corporate hierarchy. You probably think that once I got past the rank-and-file employees I would get some actual help, right? The bigwigs would surely see their customer's plight and intervene, wouldn't they? You know what they did?

They blacklisted me.

That's right. *Blacklisted.*

I was dumbfounded. Even though I had done nothing wrong, I can no longer make purchases at Best Buy. Apparently, they thought it was easier to throw away a loyal customer rather than deal with a complicated computer error. Rather than fix the problem, they treated me like a criminal.

I found that this wasn't an isolated incident either. I spoke with a number of people about Best Buy and there were an astonishing number of them who had Best Buy horror stories of their own.

There seems to be a growing attitude with giant corporations like Best Buy that "we don't care if we lose a customer because there are plenty more where you came from." We shouldn't reward companies that view its customers as resources to exploit and then throw away when they become inconvenient. Despite what the big corporations think, the little guy *does* matter.

When businesses abuse their customers, there is something you can do about it. Don't reward them with your hard earned money. You can send them a message that customers *do* matter by hitting them where it hurts: their bottom line.

I also found that Best Buy's prices are often much higher than their competitors. A video sold at Best Buy for about \$50 can be bought at Fry's Electronics for about half that price.

Abusive, overpriced businesses don't deserve our money! Together, we can make a difference. Spread the word: Best Buy is the Worst Buy!

REQUEST FOR LETTER-WRITING CAMPAIGN EFFORTS

Submitted by: Cory Hoch

The time has come for all to join an effort to increase our working wages to federal minimum wages and for those that are indigent, to have an increase in the state stipend of \$12.50 provided under AB 1013. For this effort, it is being encouraged for all (including family members and friends) to address their comments, questions and concerns respectfully to the following legislators and the new Governor:

David Valadao, Assemblyman 1489 West Lacey Blvd. Hanford, CA 93230 (559) 585-7170	Michael Rubio, Senator 2550 Mariposa Mall Suite #2016 Fresno CA 93721 (559) 264-3070
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Jim Costa, US Congressman 855 M Street Suite # 940 Fresno, CA 93721 (559) 495-1620	State of California Office of the Governor ATTN: Steve Cooley 1301 10th Street Sacramento CA 95814 (916) 445-2841
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The only way we can adequately fight something like this, as much as anything else we may need to fight about, is to do it together. There is power in numbers. Therefore, it is also requested that individuals contact:

California Alliance for the Mentally Ill
1111 Howe Avenue Suite #475
Sacramento CA 95825-8541
(916) 567-0163

Remember, this is not just for the benefit of one, this is to benefit all under civil commitment. Please do not just think of yourselves, but keep others like us in mind. If you have any questions or comments regarding this campaign, please feel free to contact Cory Hoch on Unit #2. Thank you for help in making this happen for us all.

THE INSIDER ONLINE EDITOR'S NOTE: The editor and staff of *The Insider* would like to thank the many members of our commitment who spend long hours of their own time researching and fighting for our rights. Whether the fight is for what we are allowed to have while we're held here or for our freedom; Thank You, for all of your hard work and dedication.

CONTIUNES FROM PAGE 1 (Sex Offender Agency Faults...)

offenders don't like it," he said. "It isn't a cure. It isn't magic. It doesn't have a positive outcome in all cases. But what does?"

Cate said the agency plans to spend \$8 million on a pilot program for 800 high-risk offenders that includes treatment and other services to keep them from reoffending.

The 16-member board includes representatives of law enforcement, prosecutors, state corrections, victim advocates, county probation and treatment providers.

Their report recommends several changes to focus more attention on high-risk offenders.

Among them:

Instead of barring all sex offenders from living within 2,000 feet of a school or park, as Jessica's Law does, apply it to only the most serious offenders, with loitering restrictions for all.

Use GPS monitoring only with some form of community supervision.

Create a routine treatment program for all sex offenders under supervision.

Deputy Attorney General Janet Neeley, who helped create the parolee database, said the state should distinguish risk levels among all sex offenders and, like most other states, limit the time low-risk offenders stay on the registry.

Now, they remain there for life.

That would shrink the parolee database and give residents more useful information, she said.

Part of the trouble, she said, is "stranger danger." High-profile abductions or murders often spawn expansive laws, when more than 90 percent of child sex abuse victims know their abusers.

Changes in Jessica's Law that could be seen as weakening it would need voter approval.

State Sen. Mark Leno, D-San Francisco, recalled being labeled "pure evil" by his own party when he balked at tough residency restrictions for sex offenders, before 70 percent of voters backed them in 2006.

"How we untie this knot now, I can tell you, is not going to be easy," he said.

THE INSIDER EDITOR'S NOTE: This article is one of many that are being posted on the Internet and other locations regarding the abuse of the law by California. While it seems that we never have any support from outside sources, there are a number of agencies out there that don't believe that the system is working and are starting to make noise about. Residents from our hospital are working diligently to ensure that information is made available to anyone outside that will listen. We just wanted you to see that there are people out there that agree with us (*more or less*).

To the Residents of Coalinga State Hospital:

Please notify your *Contraband Committee Representatives* if the following occurs:

If your mail is being opened by the Mailroom for content, and redirected to the Package Room. If your letter has a "CONTRABAND" notification sticker quoting Title 15, §3132. (Be advised that CSH is not under the authority of this regulation.)

Recommended procedures are as follows:

If allowed by the Package Room Officer, check your letter visually for signs that it has been opened or tampered with.

Request Unit staff to come down to Property and document the condition of your personal mail, its contents, and its condition.

Fill out a Patients Rights Complaint form.

Notify either John Sundquist (Unit 18, Contraband Representative) or someone on the CDAC, in their offices weekdays between the hours of 12:00 and 4:00 pm.

Report to the above regarding any letter missing personal possessions (i.e., money, stamps, etc.)

We need the following to protect your rights:

Your Name

The type of mail (e.g., card, legal, letter, etc)

A description of the alleged contraband (if any)

Let us know if the letter appears to have been opened prior to your arrival.

If you choose to "return to sender" to avoid harassment by DPS, this should be noted in the complaint.

Thank you for your time and assistance;

John Sundquist, Unit 8 Contraband Representative

DONATIONS FOR LEGAL WORK
DONE ON BEHALF OF
THE CIVIL DETAINEE POPULATION
AT COALINGA STATE HOSPITAL

Donations of Copy Cards and Stamps are needed to help out with the costs of fighting for our rights. The following people currently have cases in the courts and need assistance to help defray the costs that they are incurring prosecuting these issues. If you have anything you can donate, please contact one of them or one of the staff at *The Insider* at the address for the editor on page 2.

Thank you for your assistance to those fighting for all of our rights.

H. Carmony Unit 6
T. Seeboth Unit 6
E. Dannenberg Unit 8

C.D.A.C. Updates

By Douglas G. Gaines

Locker Rule:

CSH is willing to adopt a waiver for items that exceed the storage capacity of the lockers. The waiver will state that the individual is responsible for the safekeeping of the item and that CSH will have no responsibility for the security of that item. Receipt of the item from Property will require the signed waiver to be on file. This is expected to be implemented by April 1st and appropriate forms created and distributed.

Automated External Defibrillator and Ambu-bags:

This is a good suggestion. We have submitted a work order to place the Automated External Defibrillator (AED) signs where the AED's are located. This will assist in easy recognition of AED's in case of emergency.

Privacy Curtain Extensions:

The Department of Mental Health is currently assessing safety and risk factors at all State Hospitals. These assessments are designed to ensure that individuals and staff have the safest environment possible. At this time, CSH is not considering any changes to items such as privacy curtains pending results of the statewide assessments and any direction that may come to CSH as a result of those findings.

CDAC Office Hours:

At this time Coalinga State Hospital Administration agrees that 20 hours per week is an adequate amount of time and the maximum amount of time that can be allowed due to operational needs. CSH does acknowledge that the office has not been available at times during the designated hours; this too was due to operational needs. Beginning Monday February 28, 2011, there will be a person assigned to assist the Staff Liaison Officer to prevent the office from closing during the designated hours. Individuals with conflicts with group times, it is recommended that they discuss the issue with their team to identify different options or classes. For specific groups (i.e. some phase) options are limited and the individual may have to be prioritized based on their own preferences.

Third Class Mail:

A request by C.D.A.C. dated 9/21/10 which requested the mail room staff be instructed not to discard Third Class Mail. This was sent to Robert Adams who provided the following information: Internal Management Directive (IMD) 624 states that third class mail without the individual's CO # will be disposed of by Mail Services. The General Services Department does not have the authority to amend the IMD in question and will therefore continue to follow the current policy.

A Note From One of the Triad of Spokesmen for CDAC (William Hester)

For the record, I am not sure what the administration meant when they stated that they agree that 20 hours per week are adequate for our work. They have provided us with three computers to be used by the six advisors. All of these people must try to get their work done in a four hour period, five days a week while still having all their scheduled meetings and attending whatever groups they might have. We are told that we have to select a priority; serve the population that we were elected to serve or work on getting out of here. Not real reasonable to my eyes.

Notice re: DMH Evaluator Assessments (Rights of Patients)

Submitted By: Cory Hoch

Only a Licensed Psychiatrist can make A Psychiatric Diagnosis! (California Business & Professions Code §§ 2038, 2052 and 2053.5; Title 16 CCR §§ 1300-1397.71)

The Clinical Diagnosis must meet the “Medical Necessity Criteria” (9 CCR §§ 1774 and 1820.205; for definition of “Medical Necessity,” see **Hunter v. Chiles** (S.D.Fla. 1996) 944 F.Supp. 914, 921-922 (“Medically necessary” or “medical necessity” means that the medical or allied care, goods, or services furnished or ordered must: [¶] (a) meet the following conditions: [¶] (1) be necessary to protect life, to prevent significant illness or significant disability, or to alleviate severe pain; [¶] (2) Be individualized, specific, and consistent with symptoms or confirmed diagnosis of the illness or injury under treatment, and not in excess of the patient’s needs; [¶] (3) Be consistent with generally accepted professional medical standards as determined by the Medicaid program, and not experimental or investigational; [¶] (4) Be reflective of the level of service that can be safely furnished, and for which no equally effective and more conservative or less costly treatment is available statewide; and [¶] (5) Be furnished in a manner not primarily intended for the convenience of the recipient, the recipient’s caretaker, or the provider.”); **Neurological Resources, P.C. v. Anthem Ins. Companies** (S.D.Ind. 1999) 61 F.Supp.2d 840, 853 (“Medically Necessary or Medical Necessity means services or supplies provided by a provider facility or a provider individual, which are required for treatment of illness, injury, diseased condition or impairment and are: [¶] (1) Consistent with your diagnosis or symptoms; [¶] (2) Appropriate treatment according to generally accepted standards of medical practice; [¶] (3) Not provided only as a convenience to you or the provider; [¶] (4) Not experimental or unproven; and [¶] (5)

Not excessive in scope, duration or intensity to provide safe, adequate and appropriate treatment to you. Any service or supply provided at a provider facility will not be considered Medically Necessary if your symptoms or condition indicate that it would be safe to provide the service or supply in a less comprehensive setting.”))

You have the right to have your evaluation tape-recorded. (Code of Civil Procedure § 2032.530(a) (the examiner and examinee shall have the right to record a mental examination by audio technology)

You have the right to have an attorney present during the mental examination (either by agreement or court order). (Code of Civil Procedure § 2032.530(b) (nothing in this title shall be construed to alter, amend, or affect existing case law with respect to the presence of the attorney for the examinee or other persons during the examination by agreement or court order)

Upon completion of a mental examination, you have the right to obtain a copy of the report of such examination within 30 days after service of the demand, or within 15 days of trial, whichever is earlier. (Code of Civil Procedure § 2032.610 (a)-(b) (upon written demand that the party at whose instance the examination was made deliver both of the following to the demanding party: (1) a copy of a detailed written report setting out the history, examinations, findings, including the results of all tests made, diagnoses, prognoses, and conclusions of the examiner and (2) a copy of the reports of all earlier examinations of the same condition of the examinee made by that or any other examiner, and that if the option of making a written demand is exercised, a copy of the requested reports shall be delivered within 30 days after service of the demand, or within 15 days of trial, whichever is earlier)

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Evidence of Behavioral Episodes (Signs and Symptoms) of Sexual Behavior

Submitted by: Cory Hoch

For persons convicted of major felonies, like rape and child molestation, they just do the time that the State and the People have designated for them to do according to the offense and the gravity of the offense committed. However others have done their times, and have instead of release been subjected to a type of “deterrent detention” or “preventive detention”. These types of detentions are unlawful and unconstitutional on their face. One of the indicators of such a type of preventive detention is the ability of the people evaluating the offender to look beyond a certain amount of years with the persons’ past behaviors, whatever they may have been. As you will see, most offenders and especially mentally ill offenders, are only subject to a review of their past within a designated amount of time. However, for those currently held under the provisions of California’s Welfare and Institutions Code §§ 6600 et seq., the Sexual Violent Predator Act, this is not the case. There is no provision currently that restricts state actors from viewing these persons’ behaviors beyond a certain amount of time. This flies in the face of due process and equal protection as provided by both State and Federal Constitutions.

California Penal Code § 1370(a)(1)(F)(2)(B)(ii)(II) (mentally incompetent have their past behavior within a six year time frame used for assessment purposes)

California Penal Code § 2962 (d) (1) (mentally

disordered offender prior behavior in last year considered for justification in denial of release)

California Welfare & Institutions Code § 5300.5(c) (imminently dangerous persons and mentally disordered persons presenting demonstrated danger have their past behavior within a six year time frame used for assessment purposes)

California Welfare & Institutions Code § 5346(a)(4)(B) (LPS patient in assisted outpatient treatment program has consideration made of past behavior in last 36-48 months as part of treatment decision)

Foley v. Foley (2nd Dist. 1963) 214 Cal.App.2d 802, 29 Cal.Rptr. 857, 861 (in child custody proceedings consideration of past behavior over span of five or six years occur)

Standing alone, the past infliction of harm does not establish the substantial risk of future harm, rather there must be some reason to believe the acts may continue in the future. (**In re Brison C.** (5th Dist. 2000) 81 Cal.App.4th 1373, 97 Cal.Rptr.2d 746, 750; see also, **In re J.N.** (6th Dist. 2010) 181 Cal.App.4th 1010, 104 Cal.Rptr.3d 478, 488)

** See also **Judulang v. Chertoff** (S.D.Cal. 2008) 562 F.Supp.2d 1119, 1127 which speaks of five years of behavioral episodes as need of evidence of dangerousness and also speaks on the issue of preventive detention for persons considered as dangerous **

Bill of Rights

Because the Constitution of the United States granted the federal government so much power, as compared with the earlier Articles of Confederation, several states demanded a list of amendments to guarantee individual rights against intrusion by the federal government. The first ten amendments, known as the Bill of Rights, embody libertarian ideas in the United States. The amendments protect such rights as freedom of speech (First Amendment), right against unlawful search and seizure (Fourth Amendment), and the right to a public criminal trial by jury (Sixth Amendment).

Just a reminder to everyone that it is still out there, even if it is often gotten around.



DEMAND ANOTHER DEFENSE EVALUATOR OR DON'T COMPLAIN

BACKGROUND INFORMATION

CIVIL DETAINEE: John Rainwater
 STATUS: Indefinite commitment
 EFFECTIVE: Friday, November 5, 2010
 WHERE: Sacramento County Superior Court

DEFENSE EVALUATOR

John Watts Podboy, Ph.D.
 Clinical and Forensic Psychologist
 P.O. Box 488
 Kenwood, California 95452
 (707) 833-6023

ATTORNEY THAT USED DR. PODBOY

Robert J. Saria, Esq. (former District Attorney, now works for defense)
 Saria & Saria
 11344 Coloma Road, Suite 110
 Gold River, California 95670
 (916) 631-3553
(Asked if he would use him again, he said yes)

STATE EVALUATORS

Dr. Dawn Starr, Ph.D. (Cal.Lie Psy 10210)
 Dr. Kathleen Longwell, Ph.D (Psy 13730)
(Professional on stand. My attorney appeared to get angry with me when I told him this during trial.)

Dr. Podboy's

CONS

Unable to rebut Static 99, or appears not to understand the dynamics/importance of.

Accused of perjury, verbally denies, but damage done once mentioned by district attorney. Five page clinical/interview report v. 75+ pages with state evaluators Dr. Dawn Starr and Kathleen Longwell. DA and lawyer argued whether or not the five pager was a letter or an evaluation report.

Insufficient note taking or lack of.

Unable to provide names of people he interviewed at CSH in my behalf.

Unable to say why he lacked notes. District Attorney inquires: Do not professionals take notes?

Twenty+ page interview form he gives to Individuals to fill out, are geared for MDO's, not SVP civil detainees.

Dr. Podboy's

PROS

Sharp dresser for court, looks professional. Former Navy Seal (unfortunately via In Limine, he's not allowed to inform the jury of this) Nice in manners.

Did I mention his clothes?

Recommendation: Politely demand another defense evaluator. I am sure Dr. Podboy does well in his personal practice; however, he is not suitable for defense.

If you have any further questions concerning Dr. Podboy, please contact John Rainwater on RRU-11.

Say What?

William Hester, Editor

There is a growing problem here at the hospital that is now crazy enough to belong in this section.

The purpose of Coalinga State Hospital is to provide treatment to residents in a therapeutic environment within a secure facility. It is the job of the staff to make sure that everyone here is safe and encourage them to make positive changes in their lives in order to return to society.

That said, it raises a number of questions about how the hospital plans on doing this when residents are moved without consideration to their safety, social group support, comfort, and peace of mind.

It is enough to make you say, "Say What?" when you here about people being forced together in dorms who have nothing in common and whose sleep, group, and activity schedules are in conflict. People who have issues with certain activities are being

forced to live with people who practice those activities. People with loud sleeping issues forced to live with people who can't sleep in noisy areas.

In short, the hospital is putting their own convenience and desires ahead of job one, THE RESIDENTS.

If this is truly about a therapeutic environment, wouldn't it be a good idea to house people together that are willing to live together? Wouldn't it make sense to create a calm, growth oriented living area if you were to house like minded people on the same units?

This issue is of great importance if the state plans on keeping everyone on an indeterminate sentence. (The state and administration can call it what they like, but I will call what it is.) The truth is that violence will out over treatment in a forced living situation. This forced living situation can only end badly.

REQUEST FOR LETTER-WRITING CAMPAIGN EFFORTS

Submitted by: Cory Hoch

The time has come for all to join an effort to increase our working wages to federal minimum wages and for those that are indigent, to have an increase in the state stipend of \$12.50 provided under AB 1013. For this effort, it is being encouraged for all (including family members and friends) to address their comments, questions and concerns respectfully to the following legislators and the new Governor:

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Hanford, CA 93230
(559) 585-7170

Jim Costa, US Congressman
855 M Street Suite # 940
Fresno, CA 93721
(559) 495-1620

Michael Rubio, Senator
2550 Mariposa Mall
Suite #2016
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(559) 264-3070

State of California
Office of the Governor
ATTN: Steve Cooley
1301 10th Street
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California Alliance for the Mentally Ill
1111 Howe Avenue Suite #475
Sacramento CA 95825-8541
(916) 567-0163

Remember, this is not just for the benefit of one, this is to benefit all under civil commitment. Please do not just think of yourselves, but keep others like us in mind.

If you have any questions or comments regarding this campaign, please feel free to contact Cory Hoch on Unit #2.

Thank you for help in making this happen for us all.

Challenge to the PIA Monopoly

Posted at 11:47 PM on Monday, Apr. 12, 2010 By Jim Sanders / The Sacramento Bee

SACRAMENTO -- California prisoners, unlike law-abiding citizens, have a guaranteed market for the products they make behind bars: State agencies are required by law to buy them, even if private workers can make them cheaper or better. That monopoly is coming under fire as the state's shaky economy sparks widespread layoffs.

The sale of prison goods and services has grown into a \$234 million annual industry. Many small-business owners say they can beat Prison Industry Authority, potentially saving millions, and that taxpayers deserve open competition.

"Everything should be on a level playing field, and

the winner takes the bid," said Scott Hauge, president of Small Business California. Pending legislation supported by the California Chamber of Commerce, Assembly Bill 1771, would ease the mandate.

PIA officials say their prices are competitive and that savings should also be measured by success in reducing prison violence and keeping paroled felons from reoffending and being reincarcerated at a cost of about \$50,000 per year.

"There are lots of benefits beyond just, 'Can we go out and buy this stuff more cheaply?' " said Barry

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Krisberg, former president of the National Council on Crime and Delinquency.

The issue pits lawmakers' desire to prepare prisoners for gainful employment against recession-related pressure to bolster private businesses struggling to survive.

Nationally, the Federal Prison Industries program, responding to similar pressure, loosened a mandate on federal agencies in 2004 to allow purchases from private vendors with lower prices.

Anthony Thomas, 56, incarcerated at Folsom Prison for assault, said California's PIA will give him construction skills and hope for the future.

"It's all about bettering yourself," Thomas said of PIA, which pays inmates up to 95 cents an hour, minus victim restitution and child support. "I feel that if they'd had a program like this a long time ago, I wouldn't be here."

Twenty-three California prisons operate more than 60 manufacturing, service and agricultural industries through the PIA, whose 1,800 products include office desks, filing cabinets, clothing, eyeglasses, decals, dairy goods, license plates and modular buildings.

Besides its 6,800 inmates, prison industries employ about 600 civilian workers.

Price comparisons by State Auditor Elaine Howle in 2004 found that 12 of 19 PIA products or services could be bought for less from a private vendor at savings ranging from 10% to 181%.

No state oversight agency routinely monitors the PIA, which sets its own prices. A recent sampling by the prison agency, however, also found that some PIA products sell for more, some for less, than those of vendors contacted.

Seven agencies contacted by The Sacramento Bee said they had no idea whether they could save money from private vendors. The mandate removes any incentive to seek bids on PIA-equivalent products.

Assembly Member Tony Mendoza, D-Artesia, argues that competition is needed to spark bargain prices.

Mendoza's AB 1771 would allow state agencies to fill contracts of up to \$25,000 with small, micro or disabled-veteran-owned businesses that offer lower prices than PIA.

"You have to allow the free-market system to work," said Sen. Robert Dutton, R-Rancho Cucamonga.

Andrew Ellis, president of Champion Chemical Co. in Whittier, vows that he could whip PIA in a fight to sell bathroom and other disinfectants.

"I would say they're double my prices," Ellis said of PIA.

The Department of Health Services has a different perspective about a separate product, eyeglasses, saying PIA's prices beat private vendors by up to 30%.

PIA Executive Director Chuck Pattillo said the agency has improved significantly since 2004. That year the California Performance Review, an advisory group appointed by Schwarzenegger, chided PIA's customer service and recommended the buying mandate be lifted, saying PIA prices were "consistently higher" than private vendors.

Pattillo said price comparisons often fail to consider sales taxes charged by private vendors or differences in raw materials or workmanship; a PIA desk might last a decade longer than a cheaper competitor, he said.

"And the biggest product that we're producing is an inmate who's less likely to come back to prison," Pattillo said.

THE INSIDER EDITOR'S NOTE: Further research after reading this has revealed that the AB 1771 never made it out of the Appropriations Committee. It would appear that it is more important to purchase poorly made items and many times bad food at an inflated price in order to encourage prisoners to improve themselves. Never mind the fact that in this poor economy there are many businesses that may go under due to the lack of contracts available to them. There are areas where PIA does offer a better price and in those circumstances the contract should go to them. However, there are many items offered that are far less expensive through other businesses and they are the ones the state should be buying from.

It is really important that the Department of Mental Health protest to the governor that it is getting rotten food and needs to find an alternate vendor to supply replacements when this happens.

FOOD QUALITY ISSUES

Submitted by: Daniel Burgan

As most of the individuals in this hospital are aware, we have a serious problem with quality control on PDR (Patient Dining Room) food. As a Canteen & Nutrition Representative of my own unit, part of the responsibility of correcting these problems falls on me. Many of the complaints I hear are about spoiled milk, stale bread, rotten mayonnaise, wilted lettuce, undercooked meat, overcooked veggies, and overabundance of poultry products (i.e., too much chicken), etc.

We have fought for better quality food since this facility opened up. I myself have only been here for a year and five months, and have only been a Canteen & Nutrition Representative for roughly two months. However, I am not blind to the way the quality in our food has taken a downward spiral. We have won many partial victories in certain areas, only to lose ground in others. We take one step forward and three steps back. In my personal opinion, we will succeed in more victories if we involve outside agencies and enlist the aid of the Attorney General or the State Health Department, or whoever is willing to help us to obtain healthier food for this institution.

The quality of our food, if you can call it food, is quickly rivaling the food prepared in county jails across the State, for the title of "worst food ever." At Atascadero State Hospital (ASH) they may have given us cold sack lunches seven days a week and cold breakfasts every other day, but the quality and freshness was infinitely better than the food here at CSH. At ASH our mayo was Kraft© not PIA, the peanut butter and jelly was Smuckers©, our bread was Roman Meal© and we had the choice between wheat and white bread. The milk was the same as it is here, with the exception that it was rarely spoiled, if ever. In addition, ASH also had actual cooking facilities on the premises, instead of heating carts. The main kitchen was right across the hall from the dining rooms and our food was still steaming when we sat down to eat it. Correct me if I am wrong, but I thought that the equal protection laws included a section about living conditions: food quality, treatment and education groups, etc.

It seems to me that the people here at CSH are more concerned about keeping their electronics than they are about avoiding food poisoning. Don't get me wrong, I thoroughly enjoy my electronics, but I understand that I will enjoy them a whole lot more if I can maintain good health through the consummation of healthy food. So, I

have taken it upon myself to write up a Food Quality Survey and submit it to the Canteen & Nutrition Advisor of CDAC (Civil Detainee Advisory Council). An example of this survey will be on the last page of this article. It is 11 questions long. The last question is a health and safety issue but has no less merit. If you wish to obtain copies of this survey for yourselves or your designated units, please see me in the GMR (Grand Meeting Room) seven days a week from 6:00-8:30pm, or see the Canteen & Nutrition Advisor for CDAC in VE-181, Monday through Friday from 12:00-4:00pm. Please submit your input in writing to me so I can write a follow-up report for the *Insider* in my attempts to keep the population properly informed.

All completed surveys that you bring will be closely examined by me and the CDAC. Those of us that compose the Canteen & Nutrition Committee will continue the battle to bring you better quality food, but to do so we need every last individual's input for the best results possible. Help us to help you, so that we can all eat much healthier and tastier food.

Thank you to all who have contributed to this goal of better quality food.

Food Quality Survey

- 1) In your own words, what specifically is wrong with the existing menu items in the PDR?
- 2) What existing menu items do you like?
- 3) What existing menu items do you dislike?
- 4) What suggestions do you have for new and/or better menu items?
- 5) What suggestions do you have for improving the existing menu items?
- 6) Would you like to see a larger selection of substitute menu items for the main course?
- 7) What additional substitute items would you like to see?
- 8) How would you suggest we solve the problems of spoiled milk, stale bread, wilted lettuce, rotten mayonnaise, bad ketchup, etc.?
- 9) What would you, yourself, be willing to do in order to ensure that we are served with better quality food?
- 10) Would you like to see actual cooking facilities installed in the PDR?
- 11) Would you like to see restrooms built in close proximity to the PDR?



THE INSIDER EDITOR'S NOTE: The editor would like to thank Daniel Burgan for the work he has done for this paper. He has contributed articles covering a wide range of topics. Among the many contributions he has made are the poem from last month encouraging everyone to work together. This month continues his ongoing efforts on behalf of this hospital's population. To paraphrase another member of *The Insider* staff, "Yes, he is the M.D.O. writer that works here." Thank You Daniel, for all of your hard work and dedication.

Let' us remember all those who have fallen since the beginning of this law and pray that they now know the freedom that was denied them in life...

Robert Cloverdance; Carl Coleman; Jim Davis; Don Lockett; David Stansberry; Charles Rogers; Larry Goddard; Ed Samradi; Dean Danforth; Craig Rauwens; Wayne Graybeal; Donald Hughes; Lloyd Johnson; Robert Alperin; Tim McClanahan; Patrick Brim; Wayne Porter; Cash O'Doyd; Elmer Bock; Dave Goenick; Jose Vlahoitis; Corwin Weltey; Ross Washington; Richard Bishop; Alton Robinson; Robert Canfield; Jerry Sanchez; Gerald Brooks; James Aceves; Frank Valadao; Donovan Myrick; Paul Real; Paul Pedersen; Kenneth Edmonton; Jimmy Guthrie; James Rosenberg; Charles Grecien; David Harney; James Wallace; Jare Stevens; John Martinez; Delbert Smith; Dennis Boyer; Ruben Garcia; Wilbur Perryman; David Montgomery; William Laughlin; Richard Garcia; Francs Hansen; Steve Mendoza; Robert Berry; Ramon Malbrough; Lee Gebhart (2972 Commitment); and Vernon Madden.

What Do You Think?

Bill of Rights

The Will of the People is the only legitimate foundation of any government, and to protect its free expression should be our first object."

Thomas Jefferson