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Vacaville Prison Air Still Tense 2 Months Later

By Sigrid Bathen
Bee Staff Writer

VACAVILLE — It was 8 o'clock on a Sunday morning in August 1980 when all hell broke loose in a corridor outside the dining hall at this big, bleak — and traditionally very quiet — California prison for inmates with psychiatric and medical problems.

Nearly two months later, tension remains. Questions have been raised about whether a mortally wounded prisoner received prompt medical attention, and inmates have charged that personal property was wantonly destroyed by guards.

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Vacaville
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Employee groups — notably the California State Employees Association and the California Correctional Officers Association — say security at the prison has been lax. Now, movement of prisoners is restricted, more gates are locked and metal detectors have been installed. But officers still express concern about their safety. Inside, a palpable mood of distrust hangs in the stale air.

Summers are always tougher in California's overcrowded prisons, where cells are not air-conditioned — nor, for that matter, well-ventilated. Things get tense in prison anyway, but the tension builds with the late-summer California heat.

Officials expect that, and gird for it every summer in every prison. But they have never worried much about the California Medical Facility, where even the name denotes something not quite a "real" prison.

At 8:05 a.m. on Sunday, Aug. 17, all that changed with the first slaying of a California prison guard in more than four years.

Just outside the prison dining hall, where breakfast was about to be served, 32-year-old Charles Gardner, a lifer from Oakland serving time for murder, was stabbed with a prison-made knife.

Nobody will say who did it, although prison authorities have five suspects in lockup. Gardner sustained cuts on his hands and arms, apparently trying to ward off his attacker, but it was a stab wound in his heart that killed him.

Despite his condition, he ran 20 steps up to the second floor after one Archie Menefield, who allegedly disposed of a knife out a second-story window. Officials say Gardner was holding a knife which he apparently wrested from his assailant, because the knife allegedly discarded by Menefield was not the same weapon used to stab Gardner.

Mortally wounded, yelling, "I'll get you, you son-of-a-bitch," Gardner pursued Menefield through an open gate and down the long second-floor corridor, running about 40 yards and headlong into veteran officer Al Patch, who had heard the commotion and was heading down the hall to check it out.

Officials do not believe Charles Gardner planned to kill Al Patch, who was well-liked by staff and prisoners. They believe 44-year-old Al Patch just happened to be in the wrong place at the wrong time.

Patch staggered and fell to the floor, fatally wounded — like Gardner — in the heart. Officials say Gardner then went back to the staircase, where he was restrained by an officer.

Patch's death marked the first time an officer was killed in the 25-year history of the prison, which serves a dual capacity as a medical-psychiatric prison as well as a processing center for inmates coming to prison from the courts of Northern California. The big prison houses about 1,400 inmates in the main facility, plus some 400 in the reception center.

His death also marked the first killing of an officer in a California prison since April 26, 1976, when officer Richard Ochoa was bludgeoned to death by an inmate in the San Quentin laundry room.

According to prison records, Patch arrived in the first-floor medical clinic at 8:10 a.m. The elevator will only hold one gurney at a time, so a decision had to be made, on the spot, about who would go first — the officer or the inmate. "The decision to remove Officer Patch first was made because he appeared to be the most severely injured," said chief medical officer Dr. R. Eugene Prout. George Payne, an inmate medical

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Photo courtesy Vacaville Reporter

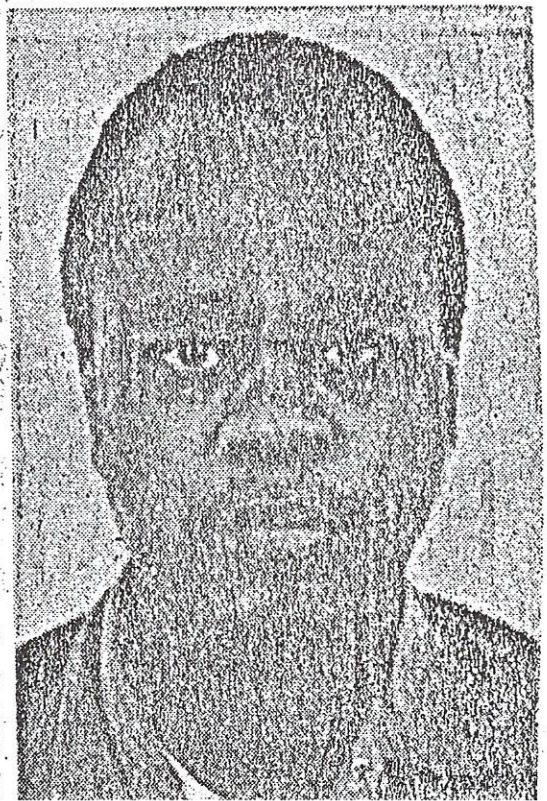


Materials removed from cells during lockdown search.



Officer Al Patch — in the wrong place at the wrong time.

Inmates allege Charles Gardner was not given prompt medical attention.



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technician on the scene, agreed, saying emergency personnel initially did not know the severity of Gardner's injuries.

According to prison records, Gardner arrived in the clinic at 8:15 a.m. Prout said he appeared to respond to emergency measures and did not initially exhibit the signs of a stab wound in the heart. So, Prout said, efforts were concentrated on Patch, who was pronounced dead by Dr. William Welch at 8:39 a.m.

An ambulance had been summoned to take Patch to nearby Intercommunity Hospital in Fairfield, but Prout said it was sent back when Patch died. Had the severity of Gardner's injuries been known, Prout said the prisoner would have been dispatched in the ambulance. He died at 9:25 a.m., according to prison records.

"When I got there about 8:25, inmate Gardner's care

Decision to remove guard first made because of injuries

looked like it was progressing fine," Prout said. "He had an IV going and oxygen. His blood pressure seemed to be coming into a normal range — lower than normal but above the shock level. I felt he was critical but would probably make it."

Inmate allegations that Gardner was not given prompt medical attention have been discounted by prison and state corrections officials, who investigated the allegations in response to complaints from prisoners' attorneys.

In a Sept. 3 letter to state corrections director Ruth Rushen, Prisoners Union attorney Michael Snedeker said "Gardner was left bleeding on the floor for ten to 15 minutes" and other prisoners — including an inmate physician — "were prevented by guards from assisting Gardner."

The inmate physician was reportedly Dr. Kenneth Washington, a Sacramento urologist serving a prison term for raping a female patient. He refused a Bee request for an interview.

According to Prout, Washington did provide emergency assistance in the medical clinic, and may have been offended by Dr. Welch, who reportedly questioned "what the hell" Washington was doing there.

"In an emergency situation, we are happy to have help from any source," Prout said. "I don't think Welch actually kicked him out, but he did ask what the hell he was doing there. Apparently Washington's feelings were hurt. I do plan to tell him his assistance was appreciated, because he didn't have to get involved."

Welch said he questioned Washington's presence in the clinic because he didn't know who he was. "I'd never seen him before," Welch said.

Payne, the inmate medical technician, said "there was a delay" in Gardner's arriving at the prison clinic by elevator.

"My attention was focused on Patch," Payne said. "We were eight or 10 minutes working on Patch before Gardner was brought in. It shouldn't have taken that long. It shouldn't have taken but a minute."

Although Payne is apparently regarded with respect by prison staff, his account of the alleged delay is flatly refuted by authorities, who insist they are not discrediting Payne. They point to clinic records and say the pressure of the moment may have made the time seem longer to Payne than it actually was.

"We spent a considerable amount of time investigating those allegations," said Capt. Stanley Feaster, chief of custody at the prison. "If there were a delay, there would have been disciplinary action. I have five investigators, and I have yet to catch them lying."

Charles Gardner, who spent most of his teen and adult years in prison, was not exactly a model prisoner. There is no great sorrow about his passing in the grim halls of California corrections. But officials insist he was not callously allowed to die.

At 32, Gardner had been in state prison for 13 years, originally under an Alameda County death sentence (later changed to life imprisonment) for the beating murder of an Oakland shopkeeper. Before that, he did California Youth Authority time for battery and rape. While in state prison, he was convicted of assaulting an officer, and repeatedly disciplined for fighting, threatening staff and inmates, throwing food, hot water and urine on officers.

"Obviously," said one state prison official familiar with his case, "he was a problem."

"There was no anger at this institution on that Sunday morning," said Capt. Feaster. "There was just shock, people walking around crying. The anger came

later. By 3 o'clock that afternoon, there was anger."

Prisoners say the anger was transformed into what the Prisoners Union called a "guard riot," beginning the following day, Aug. 18. All inmates were locked down, and officers began a cell-by-cell search — a long overdue search, they said — which yielded 40 prison-made weapons.

With the exception of the day of Patch's funeral, Aug. 20, the search continued throughout the week following his death. Prisoners Union attorneys and inmates interviewed by The Bee variously describe the search as one of wanton destruction and vandalism by officers.

Officially, \$400,000 and 25,000 hours of overtime were spent in the search and for added supervision during the lockdown. At last count, prisoners had filed 180 appeals for return of personal property they say was illegally taken in the search.

"As part of a purported search for weapons and for cell furnishings technically not permitted by prison regulations," the Prisoners Union alleged in its Sept. 3 letter, "guards began indiscriminately confiscating or destroying the prisoners' meager material possessions

...
"Televisions and radios were smashed, pictures of family members were torn as frames were broken. Much of what was not destroyed was appropriated by the guards for their own use."

Superintendent T.L. Clanon said all allegations of officer misconduct will be investigated, and personal property returned to inmates if it was improperly taken. Overall, however, he said officers acted responsibly in a difficult situation.

He said new regulations about inmate "cell furnishings" had been adopted shortly before the Aug. 17 incident, and original plans were to give prisoners 60 days notice before adopting them. When Patch and Gardner were killed, Clanon determined the new rules would take effect immediately.

With the new rules in hand, officers then set about removing anything from the cells which didn't officially "belong" there. That included numerous items like book shelves and writing tables which had been slowly allowed into prisoners' cells over the years.

"Obviously," Clanon said, "those things didn't get into inmates' cells without someone opening the door."

Privately, officials say there should have been more notice to inmates about the new regulations. Realistically, they say, that wasn't possible.

Prisoners are dissatisfied with those explanations, and nearly all of the 26-member Men's Advisory Council, the officially sanctioned body representing inmates, have resigned in protest.

Prisoners were removed from the cells during the search, and many complained that their cells were a shambles when they were returned. They said they

Anger came after what prisoners call 'guard riot' search

understood the need for a search, and did not object to the lockdown, but they objected strongly to the manner in which they said some officers conducted the search.

"I live in a self-management, honor unit," said prison newspaper editor Victor Diaz. "I bought my own wood. I built shelves in my 'house'. Anything with wood was taken away. My papers were strewn all over the place..."

"I understand how the officers felt. I'm a combat veteran. I know how it felt to have a friend killed by the Viet Cong. But this is not a war. If we treat it as a war, the place will explode. We have no trust. We've been stabbed in the back one too many times."

G. Daniel Walker, a well-known "jailhouse lawyer" who resigned as executive secretary of the advisory council, said he had no complaints about the way his cell was searched, a fact he attributes to his persistence in pressing his concerns in court. Others, he said, were not so fortunate and "very ill feelings" remain among inmates.

Clanon is scheduled to meet Monday with members of the Men's Advisory Council, if one still exists. On Tuesday, he is scheduled to meet with representatives of employee groups dissatisfied with his administration. He anticipates high emotion at both meetings, and he does not expect praise from either group.

"We still have a ways to go — both in terms of settling down and, more important, dealing with the emotional reaction among staff and inmates," Clanon said. "It's a visible reaction. Staff don't meet inmates' eyes. Inmates feel betrayed."

"There is tension that was not here before."