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California's prisons

Packing them in

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Gross overcrowding has led to a sky-high recidivist rate. Will money help?

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EARLIER this summer Arnold Schwarzenegger, California's governor, said that the state's penal system was "falling apart in front of our very eyes". Indeed so. Some 172,000 inmates are crowded into institutions—from the state's 33 prisons to its 12 "community correctional facilities"—that are meant to house fewer than 90,000. Drug abuse is rampant; so too are diseases such as HIV and hepatitis C. Race-based gangs pose the constant threat of violence, riot and even murder. And with more than 16,000 prisoners sleeping in prison gymnasiums and classrooms, rehabilitation programmes are virtually non-existent—which helps to explain why two-thirds of California's convicts, the highest rate in the country, are back in prison within three years of being released.

AP



Three strikes means triple-deckers

Will the governor's summons of a special session of the state legislature, beginning this week, bring a remedy? The reason for the session is to discuss Mr Schwarzenegger's request for almost \$5.8 billion of public money to be pumped into the prison system. Bonds for \$2 billion would finance ten 500-bed "re-entry facilities" for prisoners nearing the end of their sentences; another \$2 billion would expand existing prisons; \$1.2 billion would be earmarked for two new prisons; and \$500m would go for new prison hospitals.

Money alone will provide neither an immediate solution nor a lasting one. The first problem is that California simply puts too many offenders in prison. The imprisonment rate, which has risen almost eight-fold since 1970 and is way ahead of any European country, has consistently meant overcrowding despite the construction of 22 new prisons in

the past 20 years.

The 1994 “three-strikes” law, approved by voters in a referendum, means handing out 25-years-to-life sentences for often trivial third offences—and results in the growing presence in prison of elderly inmates who cost the taxpayer far more than the average of \$34,000 a prisoner. Meanwhile, the practice of returning parole violators to prison, even for relatively trivial mis-steps such as missing a drugs test, also strains the system; some 11% of inmates are parole violators. Added to all these are more than 5,000 illegal immigrants being held on behalf of the federal government.

The second problem is that any attempt to reform California's penal policy becomes hostage to politics. Two years ago, the governor was exuding optimism. He added the word “rehabilitation” to California's department of corrections, appointed Rod Hickman, a reform-minded former prison guard, to oversee the system and promised to lessen the power of the 31,000-strong prison guards' union, not least by breaking the “code of silence” that protects corrupt or violent guards.

But that was then. The reality now is that Mr Hickman resigned in March and his successor, Jeanne Woodford, did so in April. According to John Hagar, a “special master” appointed by Thelton Henderson, a federal judge, to investigate the corrections department, the resignations were part of a Schwarzenegger retreat, exemplified by the meetings between his new chief of staff, Susan Kennedy, a Democratic activist who now works for the Republican governor, and the prison guards' union. “Integrity and remedial plan efforts must begin at the top, and then percolate down,” wrote Mr Hagar. “Beginning January 2006, however, it appears that the requisite leadership has been absent from the governor's office. Evidence before the special master indicates that the governor's office may have given the code of silence in California's prisons a new lease on life.”

Mr Hagar may be right, but he does not have a November election to win. Mr Schwarzenegger does, and he is aware both of the hardline instincts of Californian voters (two years ago they refused to soften the three-strikes law) and of the ability of the prison guards' political donations to sway elections. Rather worryingly for the governor, the union, which has yet to decide whom to endorse in November, this week started running TV ads criticising his reform ideas.



Mr Schwarzenegger's Democratic opponent in November, Phil Angelides, describes this week's special session as an election-year stunt. Yet it could turn out to be a clever one. If the lawmakers accept the governor's ideas, he can take the credit; if they refuse, he can blame them for the prisons mess.

Whichever way the lawmakers go, that mess will continue. With no moderation in sentencing policies on the horizon, the prison population is expected to grow by another 21,000 over the next five years—enough to outpace any prison-building programme. That, in turn, will increase the likelihood that Mr Henderson, having last year taken the prison medical system into receivership, will take direct control of the whole prison set-up. With the judge above the political fray, the dream of prison reform might finally be realised.