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California's Crisis In Prison Systems A Threat to Public

Longer Sentences and Less Emphasis On Rehabilitation Create Problems

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NORCO, Calif. -- This is what conditions are like at one of California's best prisons, the California Rehabilitation Center: Built to hold 1,800 inmates, it now bulges with more than 4,700 and is under nearly constant lockdown to prevent fights. Portions of the buildings, which date to the 1920s, are so antiquated that the electricity is shut off during rainstorms so the prisoners aren't electrocuted. The facility's once-vaunted drug rehab program has a three-month-long waiting list, and the prison is short 75 guards.

It is even worse throughout the rest of California's 32 other prisons, which make up the second-largest system in the nation after the federal Bureau of Prisons. Despite a vow from Gov. Arnold Schwarzenegger (R) to cut the prison population, it has surged in recent months to more than 173,000, the worst overcrowding in the country, costing taxpayers more than \$8 billion a year. More of those inmates return to prison because the state has the nation's highest recidivism rate.

A senior prison official warned not long ago of "an imminent and substantial threat to the public" and fears of riots have only increased, prison officials and correctional officers said. The situation has left Schwarzenegger, who faces reelection this year, with one of his biggest political problems.

It was not always so. Once, California had the nation's premier system, studied by other states and nations. It had an admired research staff and worked to educate and rehabilitate its inmates.

But like much of the rest of the nation over the past three decades, it enacted get-tough laws with long sentencing provisions that put people behind bars for longer periods of time. Unlike many other states, however, which in recent years have looked for ways to ease prison population and lower recidivism, California has achieved little reform.

"When it comes to prison systems, California is the 800-pound gorilla," said Alexander Busansky, a former prosecutor who is executive director of the U.S. Commission on Safety and Abuse, a think tank that works to improve prison conditions. "The problem in California is that hope is lost."

Critics of the system say it is merely reflective of the deterioration of a variety of government services, including the Golden State's educational system and its highways, that were once the envy of the nation. But what has been at work in California's prisons also reflects the effect of the nation's experimentation with tough sentencing, combined with the internal machinations of state politics.

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In the 1950s, '60s and '70s, California embraced a philosophy that the state could successfully treat individual offenders through education and psychotherapy. Wardens wrote books, including the groundbreaking 1952 study "Prisoners are People," and held advanced degrees in social work. The department's research wing had 80 experts on staff.

"California was leading the rest of the nation," said John Irwin, a professor of criminal justice at San Francisco State University who is a living example of the rehabilitative philosophy. Before he got his degree from the University of California at Los Angeles in the late 1950s, he spent five years in Soledad Prison for armed robbery.

The hallmark of that philosophy was what was known as "indeterminate sentencing." Judges would give defendants sentence ranges -- a few years to life -- and parole boards would determine whether the offender had reformed and could be released.

In 1977, then-Gov. Jerry Brown (D), responding to a worries about rising crime, did away with indeterminate sentencing. Three years later, state lawmakers enacted legislation that said the purpose of incarceration was punishment alone, formally writing rehabilitation and treatment out of the penal code. (Brown is today running for state attorney general on a platform that calls for sentencing procedures that would lower prison population.)

Over the next decade, California's legislature, dominated by Democrats, passed more than 1,000 laws increasing mandatory prison sentences. The climax came in 1994 with the enactment of the "three strikes" law mandating 25-years-to-life sentences for most offenders with two previous serious convictions. "People have this image of California beach politics and the left coast," said state Sen. Gloria Romero, a Democrat from Los Angeles. "The truth is California is a law-and-order state."

Prisons expanded to accommodate the influx. Now, a person driving along Interstate 5 from Mexico to Oregon is never more than an hour from a California prison. Pilots can even navigate by the facilities' locations.

As the prison population grew and rehabilitation stopped, the Department of Corrections turned into an organization with "no other pretensions but human warehousing," said Franklin Zimring, a professor of law at the University of California at Berkeley.

Zimring and others say the Department of Corrections effectively ceded its managerial role to the state's correctional officers union. The California Correctional Peace Officers Association today has 31,000 members and one of the wealthiest political action committees in the state.

From the beginning, the union has been adept at cultivating backers in both parties. Union backing and millions in donations played a key role in the elections of two governors: nearly \$1 million to help elect Republican Pete Wilson in 1990, and, eight years later, \$2 million to Democrat Gray Davis. Both governors awarded corrections officers large raises.

For the past three years, under a contract negotiated by Davis, California's correctional officers, already the highest-paid in the nation, have been averaging increases of more than 10 percent a year; more than 2,000 of their members make more than \$100,000 a year. Their contract grants them better pension benefits than professors from the state university system.

But more than salaries, the contract gives the union the right to reject policy changes. And, the union, not management, determines who fills more than 70 percent of the positions at a given prison.

In almost every way the union seems to have the state administration outgunned. "We sit down to the negotiating table, and we use our laptops. We all have one program," said Joe Bauman, a correctional officer in Norco and a union negotiator. "Meanwhile, they're using a calculator that you get free with a carton of cigarettes."

When he came into office on the back of an unprecedented recall of Davis in 2003, Schwarzenegger vowed to take on the union and bring California's prison system into the modern world. On his second day in office, he appointed Ronald Hickman, a barrel-chested former prison guard with a reputation as a reformer, to lead the department. "Corrections," Schwarzenegger said, "should correct."

Last year, Hickman reorganized the state's prison network and returned the word "rehabilitation" to the title of his agency for the first time since 1980. Schwarzenegger and Hickman subsequently announced a new parole program that they said would cut the prison population by an estimated 15,000 and vowed more changes.

But the parole plan bombed because it was poorly planned and badly executed and the prison officers unions fought it all the way, Hickman said in a recent interview. "We really didn't do a very good job on implementation."

For his part, Hickman quit in February after discovering that Schwarzenegger's top aides had been meeting with union representatives behind his back.

Hickman was replaced by Jeanne Woodford, the former warden of San Quentin. But at the end of April, she also resigned after Schwarzenegger administration officials allowed the union to veto one of her picks for a warden.

Also in April, U.S. District Judge Thelton E. Henderson in San Francisco took over the prisons' medical system, declaring that inmates were receiving inadequate care. Now, the judge is believed to be so exasperated with the slow pace of rehabilitation and with prison overcrowding that he is considering putting the entire system under federal control, said several sources familiar with the judge's plans.

And on May 11, the state's parole chief was fired after it was revealed that paroled sex offenders had been placed in hotels near Disneyland.

Facing what could be a tough campaign in November, Schwarzenegger is now courting the union, according to a Republican political consultant with knowledge of the governor's plans.

The corrections officers union had amassed a war chest of \$10 million for attack ads against the governor. But now the union is "agnostic" on Schwarzenegger's reelection, Chuck Alexander, the union's executive vice president, said in an interview.

If the union maintains that stance, several Republican consultants said, it would be a significant bonus for the governor.

Meanwhile, here in Norco, a former dairy farming community east of Los Angeles, the inmates continue to pile into the California Rehabilitation Center situated on the grounds of an old resort. Warden Guillermina Hall said the institute remained devoted to rehabilitation.

But union officials point out that the educational program is basically a self-study course with little classroom time. Tougher inmates routinely compel weaker inmates to complete the coursework for

them, defeating its purpose. As for the work programs, they often consist of having an inmate sweep or mop a small section of a hall over and over and over, for six hours.

"I don't care what you want to call that," said Lance Corcoran, a lobbyist for the union. "That is not rehabilitation."

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