
MAXIMUM INSECURITY

California's prison system produces bizarre and dangerous results harmful to inmates and public

- [Mark Martin, Chronicle Sacramento Bureau](#)

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(08-27) 04:00 PDT Sacramento -- California's prisons are filled with people like Christine Myers and Jon Christopher Blaylock, whose stories illustrate a corrections system that is extraordinarily expensive, overcrowded and operating with little regard for public safety.

Myers spent the 1990s hooked on crack, turning tricks in Compton (Los Angeles County) and selling rocks of cocaine on street corners to feed her habit.

She was convicted twice of transporting or selling drugs, spending about a year in prison each time. But she also shuffled in and out of the corrections system on parole violations -- going back six times, for four to six months at a time, for getting caught with drugs or missing meetings with her parole agent. She skipped the meetings, she said, because they involved taking a drug test, and "I knew I would fail every time."

Despite her addiction, it was only during her last stint in prison that she got into a drug rehabilitation program.

Blaylock is a far different case.

With a long, violent rap sheet, Blaylock was such a menace in prison that he spent much of a term for armed robbery isolated in a maximum security housing unit where he never came into contact with other inmates.

He was a man even the prison system feared.

Nonetheless, when Blaylock's term for armed robbery was up in 2002, corrections officials had no choice but to free him. After spending more than a year locked in a cell for 23 hours a day, he was back on the streets of Los Angeles.

Four months later, Blaylock fired three shots at a police officer and was eventually convicted of attempted murder. Once back in prison in Chino (San Bernardino County), he allegedly stabbed a guard to death and now faces a murder trial that could result in the death penalty.

Blaylock and Myers are embodiments of how the state's treatment of prisoners sometimes produces the worst possible outcomes.

California sends thousands of nonviolent offenders and parole violators to prison over and over again, crowding the state's lockups and racking up huge public costs while doing virtually nothing to deal with the drug addiction and unemployment that contribute to recidivism.

At the same time, violent criminals who are required to do nearly nothing to atone for their crimes or change their ways while in prison are released onto the streets every day with minimal supervision. Many commit serious crimes while on parole -- even homicide -- but receive relatively light sentences for parole violations instead of being charged with a new crime.

The two extremes explain why almost every expert who studies California's correctional system recommends overhauling both the state's sentencing and parole systems. But Gov. Arnold Schwarzenegger and lawmakers have largely ignored the advice for major change.

"We are both simultaneously too harsh and too lenient," said Joan Petersilia, a UC Irvine criminologist who has studied the state's prison system extensively. "It is a system that is totally contrary to what public safety would really dictate. We send thousands of people to prison who probably shouldn't be there, and at the same time, we give violent offenders a break."

Overcrowded prisons forced renewed interest in Sacramento this year in prison policy. But lost in the debate is this fundamental question: Who is in prison?

Thousands of inmates are like Myers -- they commit multiple nonviolent offenses during decades of addiction.

"I was a street hustler," Myers said in a recent interview from a halfway house in Los Angeles designed for women trying to live a sober life.

About half of the state's inmates are incarcerated for a nonviolent offense, according to a census of the prison population, taken by the Department of Corrections and Rehabilitation on June 30.

More than 36,000 inmates -- enough to fill at least seven large prisons -- were doing time for drug offenses, according to the data, including nearly 15,000 doing time for drug possession. Among them, 1,363 were serving time for marijuana sales or other marijuana-related offenses.

"There are a substantial number of people in California prisons that aren't dangerous," said Roger Warren, a former California judge and director of the National Sentencing Reform Project. "These are the kind of people that probably wouldn't be in prison in many other states."

Warren said that California judges send too many nonviolent offenders to prison, both because they are required to by stringent sentencing enhancements enacted over the years by the Legislature and because the state's corrections system has focused almost exclusively on building and running prisons, instead of on programs such as residential drug treatment or job training.

Sentencing isn't the only thing that's wrong.

The state's parole system is the major contributor to the prison population, sending about 70,000 parole violators back to prison each year, according to data compiled by Petersilia, the UC Irvine criminologist.

Petersilia's research indicates that about 20 percent of those violators go in and out of prisons without ever committing a violent offense. Many are returned to prison for repeatedly failing drug tests or other parole violations such as failing to notify parole agents of an address change. Each time, they typically serve less than four months in prison and get no rehabilitation.

Judges are very familiar with this group, said Steven Perren, a justice on the state court of appeals in Ventura County.

"There is this swath of people in prison who are costing us a lot of money," Perren said. "It's not about lifers or murderers. It's this other group, and we have to think about this: Is it really worth spending \$35,000 a year to keep them locked away?"

That group, while relatively small in comparison to the entire inmate population, clogs the system and could be dealt with in other ways, Petersilia said. Other states, including

Washington, Texas and Virginia, he noted, have created alternative sanctions to prisons for parole violators and nonviolent offenders who can't stay straight but aren't a major menace.

"There is a difference between the people you're ticked off at and the people you're scared of," said Rick Kern, director of the Virginia Criminal Sentencing Commission. "The decision in Virginia was that we should treat drug addicts and nonviolent offenders one way, and require long sentences in prison for violent offenders."

Finding other places to put nonviolent repeat offenders -- Petersilia estimates there are 16,000 to 18,000 of them in California -- would essentially eliminate overcrowding. By dealing with the root causes of recidivism, it also might help some from simply cycling in and out of prison. "There is a famous statement by Einstein that goes something like, 'Insanity is doing the same thing over and over again and expecting a different result,' " Warren said. "That is California criminal justice policy in a nutshell. It's insane."

As nonviolent offenders visit prison over and over again, Petersilia and other experts argue the state is at times too lenient with violent criminals, who are required to do very little while they are in prison and are released with sparse supervision. The results are sometimes disastrous.

Raymond David Bermudez had spent most of the past eight years in prison when he was released on parole in October. Despite at least one prior violent crime -- assault with a deadly weapon -- Bermudez was handled the same way the state handles almost all of its departing inmates, regardless of how dangerous they may be: He was given \$200 and taken to the nearest bus station.

Within four hours, Bermudez got drunk, stole a tow truck, and plowed into a crowded Los Angeles bus stop, leaving three people dead.

Bermudez never enrolled in, nor was he required to take, any program in prison to try to change his ways, according to his attorney.

California rewrote its primary criminal justice sentencing law 30 years ago, and there is wide consensus that it has wreaked havoc in the state prison system while doing little to improve safety.

Determinate sentencing, as it is called, requires that most inmates know exactly when they will be released from prison on the day they are sentenced for their crime. Corrections officials have little power to keep someone behind bars who fails to better himself.

Blaylock, the inmate who later shot at a cop and allegedly killed a prison guard, was

someone officials knew was dangerous.

The prison system houses inmates based on their security risk, using a point system with points added based on their offending crime, past record and history of violence within prison. Anyone with 52 points or more is housed in a maximum security prison. Blaylock, who had been caught with a homemade weapon and been involved in at least 20 violent altercations during various prison terms, had a score of 376. Plus, a report on Blaylock by a state prison watchdog agency noted he had a history of mental illness that appears to have gone mostly untreated.

Still, when his term was up, he was released.

Parole practices also give some violent criminals a break.

Because the state places almost every inmate on parole for three years, no matter whether their risk to commit a new crime appears high or low, the most-dangerous parolees in California get very little attention. Parole agents simply don't have time to watch everyone; many have more than 100 people in their charge at a time. Parole policies require only the highest-level offenders to see a parole agent as often as twice a month.

And while experts say the state wastes resources and packs prisons unnecessarily by sending some nonviolent parolees back to prison for minor violations, parolees who commit new, and often serious, crimes are sent back to prison on just the parole violation.

A study of California parole policies by nationally known criminologist Jeremy Travis showed that from 1990 through 2001, 78 parolees returned to prison on parole violations for alleged involvement in what would seem to be a fairly serious crime in itself: suspicion of committing murder. An additional 384 cases of suspected rape were treated as parole violations.

Because violators face at most a year in prison, Petersilia noted that many California criminals were getting slapped on the wrist for violent crimes.

There are a few reasons many parolees don't face actual criminal charges for serious crimes. District attorneys sometimes don't want to spend the money staging a trial for a parolee; they save money by letting the state pick up the tab for holding a parole revocation hearing.

Petersilia said she will never forget a conversation she had a few years ago with one parolee who had spent years coming and going from prison. He told her the best time to commit a crime was while you are on parole, because even a serious crime would likely only land you back behind bars for less than 12 months.

Solving prison problems

States around the country have made changes to cope with prison overcrowding and provide alternatives to prison for some nonviolent offenders while toughening rules for violent offenders. In California, reports and experts have suggested similar changes. Here are some possible solutions to the state's prison problems:

-- Virginia and North Carolina revamped their sentencing policies, reducing or eliminating prison sentences for some nonviolent crimes and significantly lengthening sentences for violent crimes. Both states have slowed inmate population growth while experiencing declining crime rates.

-- Kansas and Delaware reduced the amount of time some nonviolent offenders spend on probation to allow agents to spend more time watching violent offenders.

-- Washington state adopted risk-assessment procedures to determine which inmates and parolees were most likely to reoffend and used the assessments to determine which programs would work for inmates and parolees.

-- A commission chaired by former Gov. George Deukmejian recommended revamping the state's sentencing policies to provide incentives for inmates to complete rehabilitation programs and demonstrate to corrections officials they have housing and employment lined up when they leave prison.

-- The Little Hoover Commission recommended that California dramatically expand programs such as electronic home monitoring and residential drug treatment centers for parolees who commit technical violations of parole.

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