



FROM SENTENCING TO INCARCERATION TO RELEASE
A BLUEPRINT FOR REFORMING CALIFORNIA'S PRISON SYSTEM

JANUARY 2007

California's prison overcrowding crisis has reached the boiling point. A system designed for approximately 80,000 inmates is now bursting with more than 170,000. Prisoners are double-and-triple bunked in many facilities. Gymnasiums and classrooms are being used for emergency housing. Staff shortages make adequate inmate oversight and implementation of rehabilitation programs impossible. Prison healthcare is in the hands of a federal receiver and the rest of the prison system faces potential federal takeover — which could result in forced releases of inmates, required expenditures of additional billions of state dollars, or both.

Yet the prison crisis is one part of a statewide public safety crisis that defies simplistic solutions. At both the local and state levels, the criminal justice system suffers from inadequate and uncoordinated means of tracking and providing services to inmate and parolee populations, perennial and growing shortages of public safety personnel, insufficient space to house inmates and a disconnect between public policy choices and adequate funding to implement policy decisions.

The California Correctional Peace Officers Association (CCPOA) represents the more than 30,000 public safety personnel who work every day to manage the increased tensions and dangers that are exacerbated by prison overcrowding and insufficient staff. For years, we have worked to call attention to the increasingly dangerous prison system and the threat of a public safety disaster in communities throughout the state.

While the 2006 special legislative session brought high-profile attention to the severe prison overcrowding situation that has been growing for years, the hastily-crafted proposals that emerged during the session suffered from a lack of comprehensive vision and from a lack of a meaningful process for input from any stakeholders who are key to the ultimate success of any prisons plan — including CCPOA, other organizations who represent staff, local law enforcement, inmate advocates and local government representatives.

Now that a federal court has explicitly ordered California to address the overcrowding crisis or face the prospect of a court-imposed population cap, the Administration is pledging a commitment to resolve this long-standing and long-neglected issue. We offer our support to those legislative leaders interested in real reform.

Given the urgent need to take action on effective solutions to the prison crisis, this document is intended to provide CCPOA's perspective on key issues and to outline some important concepts that we believe must be included in a comprehensive approach to the state's prison and public safety crisis.

Though this document was developed over the fall of 2006 — prior to the Governor's December 2006 release of an outline of a revised prisons plan — on a conceptual level, we note some key similarities. Specifically, both this document and the Governor's plan

focus on several areas, including parole reform, establishment of a sentencing commission, increased prison capacity and increased local jail capacity.

Given these similarities, we are initially encouraged by the direction of many elements of the plan outlined by the Governor, especially in contrast to the flawed “special session” effort of July 2006. However, given the absence of critical details in the just-released plan, we strongly believe that a thorough and inclusive public process will be vital to the development of real solutions during the 2007 legislative session.

Additionally, we note a lack of specific proposals to address one of the most critical problems facing our prison system: chronic understaffing that is exacerbated by poor recruitment processes, flawed training programs, failing plant design and a philosophy of mistreatment of staff, inmates and the public trust. In recognition of the fundamental reality that sufficient staffing is vital for safe and successful management of prison programs, any plan for comprehensive reform must include strategies for addressing this issue.

Overall, we are heartened by California leaders' renewed recognition that we must act now to prevent the imminent eruption of prison unrest, to prevent further federal takeover, to ensure the protection of California communities and to establish trust in wise expenditure of taxpayer dollars. CCPOA stands ready to help forge these long-overdue solutions.

Sincerely,



Mike Jimenez
President
California Correctional Peace Officers Association

THE SITUATION

California leaders must come to terms with the complex factors that have led to the current public safety crisis in California. Let's be clear, this crisis is not simply about prisons, it's about impacts to overburdened local jails, early inmate releases and — ultimately — it's about protection of the public.

Already, the deterioration of the public safety infrastructure, combined with forced inmate releases at the local level, has resulted in the loss of life and new violent crimes perpetrated on innocent victims. And there are many policies that are not in the best interest of the state. For example, local jurisdictions are under court order to release criminals because there is insufficient funding for new facilities. At the same time, the federal court has ordered the state to provide health care for inmates that is superior to the care available to law abiding citizens — not enough money for the protection of the public, but enough for the highest level of care for inmates.

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Despite the highly contentious debate over the nature of the problems and remedies, there is no dispute about the severity of the crisis. Below are several factors that are contributing to the public safety crisis:

- The prison population is now more than 170,000. California's prison system is designed for housing approximately 80,000 inmates.
- The state has failed to provide the programs or the resources to shift from a “warehousing” system to an institution capable of providing effective rehabilitation.
- The federal court has assumed jurisdiction over the prison health care system and is ordering radical changes that will create pressure on the state budget.
- Staffing shortages of up to 4,000 correctional officers mean that overworked and severely stressed personnel are limited to the difficult task of preventing violence and managing inmate populations in overcrowded facilities — conditions that do not allow for meaningful rehabilitation efforts.

- Inmates are not properly assessed due to the lack of a statewide risk assessment policy that would create a guide for handling the prisoner in prison and on parole, and the lack of a statewide data system.
- The mentally and physically ill continue to be housed with the general prison population, which poses a danger to the inmates and the correctional personnel.
- According to the Little Hoover Commission, 67 percent of the inmates are returning parolees. Moreover, 80 percent of the inmates that leave prison will return.

LOCAL JAILS

- According to the California State Sheriffs Association, there are 74,000 jail beds in the state and in 2005 the average daily population of jails was 79,000 — almost 5,000 beds below the need.
- Approximately 230,000 inmates per year are not incarcerated or are released early from jail sentences due solely to lack of jail space.
- In order to meet current unmet public safety demands — i.e. the incarceration of all individuals who have been released because of overcrowding or who have felony warrants outstanding — California will need to add 66,000 new jail beds.
- With population growth, just keeping local jails at their current, inadequate level of capacity is estimated to cost nearly \$400 million dollars between now and 2010 to construct new jail space.
- The sheriff's association predicts that relentless increases in the numbers of local offenders in jail and the resulting jail overcrowding may force counties to eliminate existing contracts with the state. This will leave the state without existing beds and the counties without vital revenue that has helped maintain the jails and related services.

ELEMENTS OF SYSTEMIC REFORM

CCPOA supports comprehensive reform to the state correctional system. We believe reform to the corrections system must provide integrated solutions that achieve improvements in all of the following four areas:

- **PUBLIC SAFETY** The state system for incarcerating dangerous individuals must be reformed so that the capacity fits the need. Currently, the state and local capacity is inadequate for handling the current prison population. Overcrowding at the state and local levels has resulted in large-scale early release programs ordered by the federal courts. The state needs to determine how many new facilities need to be constructed, in what locations and from what financing authority.
- **WORKING CONDITIONS** The system cannot function properly without a workforce that is adequately trained and compensated at a level sufficient to attract needed staff. In order to attract new personnel, the current system must improve working conditions for correctional officers, parole agents and other prison personnel.
- **HEALTH CARE** With the federal government assuming control of the prison health care system, significant decisions remain for the state. The state needs to develop a health care system that can serve the needs of the prison population. To do so, inmates with severe and chronic mental and physical illnesses should be separated from the general population and placed in separate correctional facilities or community facilities that are appropriate for the type of care and level of security required.
- **RISK ASSESSMENT** There must be an effective behaviorally-based risk assessment program that will be utilized throughout the public safety system to better determine prison placement, programming and rehabilitative needs, parole options, and other elements of corrections.
- **REHABILITATION** Although the Administration’s plan has relied heavily on the construction of new prison beds, there is a current need for additional personnel and facilities for the rehabilitation services the state has embraced. The state must

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also develop the proper incentives for inmates to participate in rehabilitation services and programs to ease the transition from prison to the outside.

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PUBLIC SAFETY AND INFRASTRUCTURE

The problem of overcrowding has not occurred overnight. Overcrowding is not only a danger to the public because it will likely force early release but it is also a danger to correctional officers and inmates. When prison cells are not available and inmates are sleeping in halls, classrooms and gymnasiums, rehabilitation programs are severely cut or eliminated.

While the enactment of laws creating new crimes and extending terms for existing crimes is politically popular, these actions must be paired with careful assessment of the costs of incarceration and the need for more prison beds. There is general agreement that individuals who commit violent and serious felonies should be incarcerated by the state and kept away from the public. However, the state has often piled on longer sentencing, removed discretion from law enforcement personnel and judges, and increased the number of crimes without providing a corresponding level of funding for improvement of the correctional institutions or the rehabilitation services. Additionally, overcrowding is exacerbated by the fact that some facilities were closed that should not have been. The solutions to the overcrowding problem must address these serious policy and funding failures.

Recommendations for immediate relief:

- Immediately construct temporary housing structures within existing facilities to alleviate overcrowded conditions.
 - Most prison facilities have sufficient land to accommodate temporary structures — such as temporary dormitories or tents — adequate to house prisoners within existing prison perimeters. Such temporary structures should be utilized to address the immediate housing crisis and can be dismantled when sufficient permanent facilities are completed. These facilities would be used to house appropriate offenders and service inmates who are 6 to 9 months from their release date. It is important that such temporary facilities also include space for the ancillary services necessary to support rehabilitation efforts, healthcare and other services.

- Identify facilities that can be re-opened or utilized immediately.
 - Reactivate Karl Holton and NCWF. CDCR currently owns these correctional facilities that are not being utilized for inmate housing. While neither facility was designed for housing male inmates, they could be utilized for lower custody, short-term inmates. Like all options that provide nearly immediate housing, these physical plants are not well-suited for this population, but they are far better suited than many of the “ugly beds” now being used.
 - Determine whether military facilities can be utilized by the CDCR for temporary housing. There are several military bases that have closed or are scheduled to close. These facilities already have temporary housing units that could be utilized by the state.
 - Several studies have called for alternative incarceration for female inmates who do not pose a threat to local communities. Rather than assuming all female inmates fall into that category, we are recommending that the state determine the number of eligible inmates and identify the most beneficial areas to locate appropriate community facilities for both male and female inmates who do not pose a threat to surrounding communities.

Recommendations for near-term:

- Dedicate sufficient CDCR resources to establishing relationships with California communities so that prisons and other detention facilities can be located with the knowledge and support of the local community — including police chiefs and sheriffs. There is a great need for state and local officials to work together to meet the immediate and long-term needs. That process must be institutionalized and the key players must have a defined role.
- Conduct an assessment of the benefits and disadvantages of large scale facilities to determine the appropriateness of building new 4,500 bed facilities or adding new facilities to existing large scale facilities. Conduct an assessment of smaller facilities that would be located closer to the site where the inmates formerly resided. Also, assess the advantages and disadvantages of the larger or smaller institutions for the hiring of new personnel.
- Develop a plan for the siting of community facilities for the purpose of placing appropriate offenders based on their behaviorally-based risk assessment. The centers would provide housing, sustenance supervision and rehabilitative services for eligible inmates.
- Expedite planning and construction of separate facilities for the severely

physically and mentally ill. Severely and chronically ill inmates should be housed in facilities that are appropriate for their needs and that provide the level of security necessary given their conditions. Housing them in standard correctional facilities may pose additional risks to their safety as well as the safety of staff and the public, and contributes to overcrowding.

Recommendations for the long-term:

- Begin the planning and construction of a sufficient number of maximum security prisons under an accelerated schedule. The most serious problem facing CDCR is the shortage of high security beds. This shortage leads to housing of high security inmates in facilities ill-equipped to handle the risk. Because these inmates are in the wrong facilities, they often cause lockdowns and other problems. With modest relief to environmental review, timetables (similar to those used in the 1980s and 1990s) and adequate staffing, CDCR can build two maximum security prisons in three or four years.
- Plan and begin renovation of existing facilities.

Additionally, CCPOA notes that the

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issue of prison facility design, size and configuration is critical to successful rehabilitation programs. Most of the prisons in the state system were built during an era that did not favor rehabilitation and were designed for efficiency — not treatment. Many of the prisons built during the 1980s and 1990s have few classrooms and little treatment space.

Re-entry facilities are also critical to reducing recidivism. Despite the fact that the Department releases about 120,000 inmates

per year, there are few re-entry facilities to provide the needed services to assist parolees in making the transition to free society. Newly released inmates often need housing, job search assistance and substance abuse treatment if they are to have a reasonable chance to succeed.

During the upcoming 2007 legislative debate on prison reform, CCPOA intends to pursue legislation to fund the construction and rehabilitation of education-focused facility space at existing sites. CCPOA also urges the legislature to provide a funding mechanism for the construction of re-entry facilities.

STAFFING

Just as in any workplace, understaffing has tremendous impacts on an organization's functionality, safety and effectiveness.

A sincere level of commitment by CDCR is needed to attract and effectively train sufficient numbers of employees to staff our state prison system. California's prison system is currently suffering from a custodial staff vacancy rate of about 20 percent — nearly 4,000 employees.

This chronic — and growing — level of staff shortages threatens the safety of staff and inmates. Staff who are regularly forced to work excessive overtime each week are tired, overstressed, less alert and more susceptible to prison dangers and inmate assaults. At the same time, inmates and communities are in greater danger of widespread eruptions of prison violence triggered in part by insufficient staff to monitor prison facilities.

Moreover, in addition to relief from overcrowding, adequate numbers of staff are absolutely vital to conducting the rehabilitation programs necessary to reduce California's recidivism rate. Without sufficient staff, correctional officers can do little more than manage prisoners and prevent violence.

Several factors are contributing to the staffing shortage, including:

1. A compensation and benefit package that is weak in comparison to those of other law enforcement agencies.
2. Remote locations of many facilities — which are not appealing to new recruits.
3. Severely overcrowded and dangerous conditions that have lowered the morale of the current workforce and had a negative influence on recruitment.
4. The recent, ill-advised temporary closures of training facilities.

Steps that must be taken to provide for immediate relief from severe understaffing include: completing a contract and providing current state correctional officers and potential recruits with a compensation and benefit package that is competitive with other law enforcement agencies; restructuring the training program so that recruits can complete the same vigorous training program in an expedited period of time; and developing a new training program that would provide for an expedited education program with a job training and mentoring component to be completed at a correctional facility.

Beyond these immediate steps, the department should develop continuing education

programs that provide correctional officers with additional training.

CCPOA believes that re-establishment of the Commission on Correctional Peace Officer Standards and Training (C-POST) — which consisted of three representatives each from management and rank-and-file — is key to addressing issues of training.

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C-POST was abolished during the recent reorganization of the former Youth and Adult Correctional Agency into the Department of Corrections and Rehabilitation and oversight of training was assigned to the Correction Standards Authority. Unfortunately, as noted by the Inspector General, this entity has almost entirely failed to conduct oversight of officer training.

Given the need to return to the C-POST structure that succeeded in upgrading training programs, CCPOA will pursue legislation in 2007 to enact this vital change.

PAROLE

In the current system, parole agents do not have access to sufficient assessment tools or programs for inmates. All efficient systems are designed to prioritize and concentrate resources on the solutions that will best achieve the goals. The correctional system should be no different. Prison resources should focus on those parole violators who present the greatest danger to society. The system will not be perfect, but the steps below will allow the state to concentrate its resources on those individuals who present the greatest risk.

Recommendations for immediate relief:

- Utilize the statewide behaviorally-based risk assessment procedures throughout the entire public safety system to make informed recommendations regarding the disposition of a parolee.
- Require the CDCR to make placement decisions in the most expedited period of time.
- Develop a database identifying all those incarcerated and/or on parole so that the state can adequately monitor their status in the system.

- Establish day reporting centers as an alternative to incarcerating lower-risk offenders.
- Provide a system of meaningful and validated intermediate sanctions for parolees where appropriate.

Recommendations for the near-term:

- Implement a process whereby state and local officials can cooperatively place dangerous criminals and monitor those returning to outside life.
- Require all inmates leaving state custody to continue with the programs identified as appropriate during their risk assessment, including family support counseling, job training, GED programs and drug and alcohol programs.

The CDCR should work cooperatively with local officials to develop plans for building facilities to house appropriate inmates who have less than 180 days left on their

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sentences and could benefit from placement in local programs. These facilities should be located to maximize success of intensive rehabilitation efforts — in conjunction with community and job-placement organizations.

CCPOA intends to serve as a positive force in the 2007 debate pertaining to parole reform and recidivism reduction by

sponsoring legislation to require the improvement of inmate risk assessment tools that will help in the development of effective rehabilitation and post-release plans, and that will allow for effective prioritization of parole resources.

SENTENCING

Current state sentencing policy requires the incarceration of individuals convicted of felony crimes. Without some type of substantive changes to public safety policies, statistics show that as the state population increases, the prison population also increases proportionately. It is estimated that for every 1 million in population increase, 5,000 individuals will have to be incarcerated.

Overall — though media accounts often point to tough-on-crime laws as the reason for the “explosion” of the prison population in recent years — it should be noted that California's incarceration rate of 466 people per 100,000 residents in 2005 was actually less than the national average of 491. Moreover, while 11 states experienced population

increases of more than five percent from 2004 to 2005, California's rate was 2.5 percent.

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Nevertheless, if policymakers wish to reduce the level of California's future prison population growth and reduce the overcrowding that thwarts efforts to provide effective rehabilitation, the state should conduct a careful reevaluation of sentencing policies and the placement of convicted criminals.

As lawmakers consider this option, one factor that must be considered in the development of a commission is the need to ensure that there is a mechanism for complete assessment of individuals' complete criminal histories — not just the charges that resulted in their current state prison incarceration. Thorough assessments will be key if the state is to avoid problems experienced by local jurisdictions that have been required to institute release programs.

Recommendations for the near-term:

- Current CDCR regulations require bonus credits to be given indiscriminately to almost all offenders. Instead, CDCR should provide good behavior bonus credits to inmates who comply with prison rules and are eligible for bonus credits as determined by their risk assessment. Inmates with no convictions for serious, violent, or sex offenses and who have not been issued serious rules violations in the prior 12 months would receive a 30 day “good behavior credit,” but would be subject to a higher level of supervision by the parole officer during the initial release period.

Recommendations pertaining to a sentencing commission:

- Establish a sentencing commission with diverse membership and with the authority to independently review state policy with the specific purpose of determining whether the state can establish appropriate sentencing guidelines for non-violent crimes.
- Provide for careful fiscal analysis of the cost, infrastructure and staffing implications of proposed changes to criminal laws.
- Develop a plan for changing state sentencing to place appropriate offenders in less costly alternatives to state prisons — such as state jails and group homes.

Over the fall, CCPOA has been convening a series of meetings with policy experts and key stakeholders to develop a sentencing commission proposal that addresses the need to make thoroughly informed public policy and sentencing choices and the need to prioritize resources to most effectively protect our communities. CCPOA intends to introduce a detailed proposal for consideration by the legislature in 2007.

CONCLUSION

As California residents, taxpayers and as the personnel who serve on the front lines of the state's correctional system, the members of CCPOA have a direct and vital interest in urging California's elected and Administration officials to work diligently throughout the 2007 legislative session to address the immediate issues of severe prison overcrowding and understaffing, and to also work to achieve long-overdue, fundamental changes to California's state and local public safety system.

We call on the Administration, new and returning members of the Legislature, and all the key stakeholders to participate in a clear and open working group process, and to devote the substantial time that will be necessary to develop meaningful, feasible and effective solutions in the coming months.

Thank you for your interest in our views pertaining to comprehensive prison reform. Questions pertaining to this document should be directed to Lance Corcoran at (916) 372-6060.



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