

INSTRUCTIONAL STUDY GUIDE FOR LEADING DISCUSSIONS IN GROUPS AND CLASSROOMS

Letter from JoAnn Mar, Producer

My friend Harmon Wray was a kind, selfless man of deep religious convictions, who devoted his life to the cause of prison reform. During his lifetime, Harmon was a strong advocate for alternatives to incarceration, long sentences, and the death penalty. Before he died last year,



View Inside San Quentin's Courtyard

Harmon told me that if our society ever overcame racism, sexism, classism, and ageism, the last “ism” left for us to struggle with would be the mythology that some of us are the good innocent folks and others are the bad guilty folks.

This duality, Harmon said, lies at the core of what he called all the bad “isms” that serve to divide us and keep us apart. The truth is, there is good and evil in all of us.

It is this good-evil duality that has led society to collectively turn its back on prisoners. Whatever happens to them once the cell door closes is not our concern. The result of this neglect and inattention to prisoners is high recidivism, abysmal conditions, gang violence, and overcrowded prisons. This in turn creates ongoing threats to public safety and poses a danger to all of us.

Nowhere is this more true than in California, which has the highest number of prisoners in the nation. After two decades of neglect, mismanagement, and numerous lawsuits, the federal courts have repeatedly declared prison conditions to be in violation of the 8th Amendment's ban on cruel and unusual punishment. An average one prisoner per week dies needlessly. Prison health care has become so abysmal that the entire prison medical system has been removed from state control and is now under federal receivership. The state juvenile detention system has been called the worst in the nation. Governor Arnold Schwarzenegger has called the prisons "dangerously overcrowded" and has declared a state of emergency.

On the fiscal side, the cost of running prisons is adding to California's enormous multi-billion dollar budget deficit. Corrections costs the state \$10 billion a year and is now nearly ten percent of the budget and growing. At this rate, corrections will soon exceed state expenditures for higher education.



State Corrections Officers On Their Graduation Day In Galt, California, February 22, 2008

The prison crisis in California can no longer be ignored. While mainstream media and public officials are forced to pay more attention to prisons, prison reforms are still moving at a glacial pace. My radio documentary program "Prisons In Crisis: A State Of Emergency In California" is intended to jump-start conversations about the severity of the crisis and how we as a community can begin addressing prison overcrowding and needed reforms in prison medical care, mental health care, and the juvenile detention system.

How Serious Is California's Prison Crisis?

Background

“Out of sight, out of mind” has been a widespread attitude when it comes to prisoners. But today's prison crisis in California has become so enormous, that we ignore it at our peril.



San Quentin Gymnasium, February 25, 2008

Phrases like “tough-on-crime” and “three strikes you’re out” have reflected the public’s low tolerance for criminal behavior. During the last three decades, the emphasis has been placed on punishment and retribution as the primary ways of meting out criminal justice. Little thought has been given on what to do with prisoners once convicted. The result has been longer sentences, more criminal penalties added to the state penal code, an explosion in the prison population, and the nation’s highest recidivism rate. Prisoner rights attorneys argue that the cost of incarceration has become so high, that California does not have the space, staff, or the financial resources to continue providing adequate services for the 173,000 prisoners currently incarcerated. Corrections costs for adding on more beds, building more cells, constructing more medical facilities, and hiring more staff will run into billions of dollars and add more debt to the \$14 billion budget deficit that California faces for fiscal year 2008–09—a

debt that our children and future generations will be saddled with for years to come.

Major Elements of the California Prison Crisis

Overcrowding: California's 33 state prisons were built to hold a maximum 100,000 prisoners. In 2007, the prison population reached an all-time high of 173,000. Many state prisons are at over 200 percent capacity. It is quite common to see gymnasiums and day rooms now being used as dormitories with double and triple bunking.

Prison Medical Care: "Terribly broken," "dysfunctional," "chaotic" are some of the words commonly used to describe the state prison health care system. Among the many problems: severe shortage of medical staff, existing medical facilities in serious states of disrepair, a medical records system in shambles, unavailability of basic medical equipment, supplies, and medications, and. In 2006, Federal District Court Judge Thelton Henderson removed the entire prison medical system from state control and placed it under federal receivership. J. Clark Kelso, the appointed federal receiver, commented recently that "it is a misnomer to call the existing chaos a 'medical delivery system'—it is more an act of desperation than a system."

Prison Mental Health Care: An estimated 25 percent of all prisoners suffer from some form of mental illness such as schizophrenia or bipolar disorder. Federal court judges have made repeated findings that the psychiatric needs of mentally ill prisoners are not being met by the California Department of Corrections and Rehabilitation (CDCR). The suicide rate for California prisoners is twice the national average. Record high vacancies

for staff psychiatrist and psychologist positions need to be filled. There is an ongoing lack of beds for mentally ill prisoners.

Prison Dental Care: Prisoners have not been provided with basic minimal dental care. There has been a shortage of dentists and hygienists, and the quality of care has not been competent and timely. Delays in timely care result in tooth deterioration, and thus the only recourse left for many prisoners is pulling their teeth.

Disability Access: Under the Americans with Disabilities Act (ADA), disabled prisoners are entitled to equal access to prison facilities. The CDCR has violated the ADA by failing to provide physically disabled prisoners with access to prison programs. Many prison cells are not wheel-chair accessible. The CDCR has also failed to provide adequate screening procedures, safe housing, and supportive services for the disabled.

State Juvenile Detention: Racial violence and suicides have plagued California's juvenile detention facilities for many years. Many have called its juvenile system "the worst in the nation." In the 1980s, state youth facilities were overcrowded, unsafe, and dangerous for staff and wards. A common form of discipline was "23 and 1." Wards who were being punished were locked in their cells 23 hours a day and released for one hour. The state juvenile detention system has become so notorious that many counties are now opting not to send young offenders to state detention. There is now serious discussion of closing down the system entirely, and this option was recently endorsed by The Little Hoover Commission.

Questions for Discussion

Before you listened to “Prisons In Crisis,” did you have any idea how serious problems had become in the state prison system during the past two decades?

In order to correct the problems listed above that make up California’s prison crisis, billions of dollars will need to be spent. Where will the money come from? Below are two possibilities—what are the pros and cons of each?

Bond indebtedness: Lease-revenue bonds are often used by state governments to raise capital to finance prison projects. These tax-exempt bonds do not require voter approval. Over a period of years, interest and principal are paid to the bond holders from taxpayer dollars.

Raising taxes: Rather than go into debt, revenues are raised directly through increases in state income tax, property tax, or sales tax.

How do you think the prison crisis could have been avoided? What should have been done to prevent the crisis?

Do you think the public needs to become more actively involved around prison issues in order to avoid future crises? What are the consequences of staying silent and doing nothing?

Ask members of your discussion group if they would consider working in corrections. If so, how do they think they could make a difference in preventing future crises? Or is it hopeless to think individuals can make a difference?

It's been said that by the time people end up in prison, trying to rehabilitate them is too little too late. Efforts should have been made much sooner to prevent young people from going down the wrong path. How? What can schools, families, neighborhoods, PTAs, and community groups do to prevent the flow of students into gangs and criminal behavior?

Activities

Research the history of the county/city jail located closest to you. Find out if overcrowding, medical care, mental health care, dental care, and disability access are problems that have led to crisis or could lead to crisis. If overcrowding is a problem, find out what if anything the sheriff is doing to address the problem.

Approximately 130,000 prisoners are released every year from state prison. Find out from your local representatives how many ex-felons return to your community and how many of them return to prison for parole violations or committing new crimes. Find out what impact the presence of these ex-felons has had on the crime rate in your community.

Solutions to California's Prison Crisis

Background

Imagine a boat that has not been maintained or repaired for 25 years. The boat is now springing leaks in several places and is sinking fast. Something must be done quickly before all is lost. But where do you begin plugging the leaks?



San Quentin Prison Building

Fixing prison medical care, mental health care, dental care, and disability access will cost the state billions of dollars. J. Clark Kelso, the federal court-appointed receiver for prison medical care, is poised to take \$8 billion from the state treasury for the construction of new prison hospitals.

Addressing prison overcrowding will cost California billions of dollars as well. Overcrowding can be resolved in two ways: build more prison space or reduce the size of the prison population.

So far, the State Legislature has opted to add more prison beds with the recent passage of AB 900, the \$7.5 billion construction bill. The original plan called for the creation of 53,000 new beds, but the number of beds has now been scaled back. Critics say even if all the beds contemplated under AB 900 were built, overcrowding would continue to be a problem.

Reducing the size of the prison population would ease overcrowding and save the state significant amounts of money in corrections spending.

Ways to Reduce the Prison Population

Early Release: Low-level offenders (convicted of minor, non-violent offenses such as drug possession or property crimes) could have their sentences reduced and be discharged from prison early. In 2008, Governor Schwarzenegger had proposed the early release of 22,000 prisoners, but he withdrew his plan in the face of opposition from the Legislature.

Parole Reform: California's recidivism rate is 70 percent, the highest in the nation. Many of these ex-offenders are parole violators who committed technical violations (for example, missing an appointment with a parole officer or testing dirty). Instead of being returned to prison, these parole violators could be subject to intermediate sanctions, such as being required to attend drug treatment programs or performing community service. The parole system could also be reformed by waiving or eliminating parole for low-level offenders who pose little or no risk to public safety. Or perhaps these low-level offenders could be discharged from parole after one year of successful completion.

Sentencing Reform: Under California's determinate sentencing system, the process of determining prison sentences is in the hands of the State Legislature. When "tough-on-crime" policies and Three Strikes became

popular with the electorate, the Legislature passed over 1000 crime bills in the late 1980s and early 1990s. Many of these bills increased the length of sentences. These have been called “drive-by” sentencing laws—measures enhancing sentences in response to media-driven coverage of sensational crimes—an easy way for politicians to score points with voters. This, in turn, has meant longer sentences and an explosion in the prison population. A reevaluation of the state’s sentencing policies could result in a reduction in overcrowding. The creation of an independent sentencing commission could take the politics out of sentencing laws and bring more uniformity to sentencing practices.

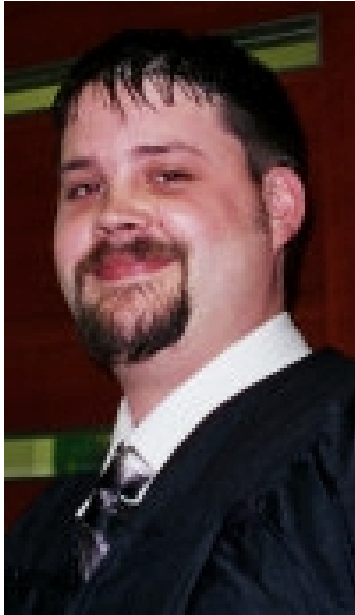
Rehabilitation

and Reentry: The vast majority of California prisoners do not receive the rehabilitation services they need. A majority of prisoners have



“Back On Track” Reentry Graduates, February 21, 2008

substance and alcohol problems. Twenty-five percent of all prisoners suffer from some form of mental illness (such as schizophrenia or bipolar disorder). Most have never participated in education or job training programs. With no job skills, no education, lack of treatment options, and felony records, many ex-offenders are likely to commit new crimes and return to prison. This in turn contributes in large part to California’s high recidivism rate. There is now a broad consensus among government



*"Back On Track" graduate
Shawn Millard*

officials, policy makers, and politicians that reentry programs are needed to help prisoners reenter society. They need support services that will assist them in finding housing, landing a job, receiving educational opportunities, and accessing treatment programs for alcohol and substance abuse. Over the long term, rehabilitation and reentry programs can reduce high recidivism and prevent a greater number of ex-offenders from returning to prison.



"NoVA" (No Violence Alliance) Reentry Class At San Quentin, February 25, 2008

Questions for Discussion

These questions are designed to help members of your discussion group move from reflection to action. Taking small steps in one's own community can combat feelings of helplessness in the face of what can seem like overwhelming and intractable problems.

Do you believe simply building more prison cells and beds will solve the overcrowding crisis?

What solutions would you favor in addressing the prison crisis?

What insights or new knowledge did you get from listening to "Prisons In Crisis?" What messages or lessons would you hope that others learn?

Over the past two decades, the popular assumption regarding rehabilitation has been "nothing works." As a result, rehabilitation and reentry efforts have been sporadic and often not very effective. That view is now changing. What is your opinion on rehabilitation and reentry?

Experts say that in order for reentry programs to work, the community must own reentry. It must be willing to take an active role in assisting ex-offenders with reintegrating into society. What if anything would you be willing to do? What do you think the community as a whole could do?

Activities

Speak with your local state representatives and find out what they are doing to fix the prison crisis.

Search out and find community service providers who are helping ex-offenders reintegrate. Find out what they are doing to make a difference. (Go to the resources link for ideas.)

Two crime-related initiatives are on the November ballot this year in California: the “Safe Neighborhoods Act” sponsored by State Senator George Runner and “Marsy’s Law,” a victims’ rights initiative. Read the language in these two proposals. How do you think these initiatives would impact prison overcrowding and other parts of the prison crisis if they become law?

Role Play: Ask discussion participants to imagine they are on the local city council and they are asked to consider agreeing to the construction of a 500-bed reentry center in their community (where prisoners serving the final year of their sentence will be housed). Divide participants into two groups—one opposing and the other in favor. Have each group formulate arguments for and against bringing the reentry center to their local community.

Want to Add More to Your Discussion?

Discuss other ways that prison overcrowding can be reduced that were not mentioned in “Prisons In Crisis.”

Listen to SEIU Local 1000 representative [Mark Bautista](#). SEIU represents state prison non-custodial employees, including case records analysts in charge of calculating the release dates of prisoners. SEIU claims that these dates have been miscalculated, thus keeping as many as 33,000 prisoners an average of sixty days in prison beyond their legal term. What do you think the state should do to fix this problem?

Listen to [Bilenda Harris-Ritter](#) and [Tracey St. Julien](#), both former commissioners with the State Board of Parole Hearings. This body considers the parole applications of prisoners serving indeterminate life sentences. Approximately 3000 lifers come up for parole every year. These are felons who have been give life sentences with the possibility of parole. Both Harris-Ritter and St. Julien were forced to resign by the Schwarzenegger administration. Critics accused them of being too liberal and lenient and granting too many paroles (Harris-Ritter voted to grant parole in 4 percent of her cases; St. Julien’s rate was 6 percent). When he was governor, Gray Davis vowed he would never grant parole to anyone convicted of murder. Current state law allows lifers to be granted parole if they no longer pose a threat to public safety. Harris-Ritter and St. Julien say the parole process for lifers has become too politicized. What do you think?

Listen to the [Prison Bus Tour](#) feature report, the story of one family’s visit to see their loved one Sandra at Valley State Prison in the town of Chowchilla. Sandra was convicted of a third-strike non-violent felony and

is serving a 25-to-life sentence. Many prison reform experts believe that regular contacts with family members can help prisoners ease their transition back to society. Discuss how families are impacted by a loved one's incarceration and how children of prisoners can be affected by a parent's absence.

Family reunification is difficult because many families are poor and live hundreds of miles from state prisons and can't afford the transportation costs. How do you think family reunification can be made easier?