

# PRISONS IN CRISIS--A STATE OF EMERGENCY IN CALIFORNIA

## Part 1

Grassroots Prison Radio presents--"Prisons In Crisis--A State Of Emergency In California."

(To SFX 1/Sound collage)

Robert Sillen "It's sort of unbelievable--this is California in the 21st century."

Gov. Arnold Schwarzenegger "When I took office 3-and-a-half years ago, we had inherited a broken prison system that was dangerously overcrowded and was totally out of control"

Raymond "In my first term, when I went to prison, I was cut in my throat right here and I had to be in hospital for three weeks."

Michael Bien "My clients are suffering right now, the correctional officers and the medical staff are all suffering right now."

Pat Nolan "We're locking away thirty years to life people who stole six or seven childrens' videos or someone who stole a sandwich."

Chuck Alexander "The public's in an uproar about a particular crime that's happening--let's lock 'em up and throw away the key."

Dangerous, dysfunctional, violent, out-of-control, unconstitutional are some of the words that describe California's prison crisis. The state now has the largest prison system in the nation.

With its prison population expanding rapidly over the last 25 years, California has failed to provide prisoners with basic services such as adequate housing and medical care. (To Actuality

1)

"Our safety's in jeopardy because of the crisis in our prisons."

Governor Arnold Schwarzenegger declared a state of emergency in 2006. But progress on prison reforms has continued to move at a glacial pace and the federal courts have threatened to intercede. I'm JoAnn Mar. In the next hour, we'll take a closer look at the California prison crisis--how it started and solutions for addressing it.

(To SFX 2/CIM Hispanic prisoners yelling out exercise routines)

In a lounge that used to hold sofas and chairs, there are now rows of make-shift beds. This day room is now a dormitory that houses 54 prisoners. The California Institute for Men in the town of Chino, east of Los Angeles is like many of the state's overcrowded prisons.

(Bring up SFX 2 for a few seconds) CIM is at 200 percent capacity. The men are exercising in the day room because the gymnasium is occupied. It too has been converted to dormitory space.

(To SFX 3/"Triple bunks, two TVs, the rest are double bunks ....")

Inside the gym, it's stifling hot with no ventilation. Prisoners are sitting or standing idly by their bunks. CIM ran out of space years ago and the gym is now housing 200 inmates. One of those prisoners is Raymond. (To Actuality 2)

"We only have four toilets, so the constant trying to use the bathrooms and the urinals or what have you--the stench in itself is overwhelming. So they urinate on the floor or have feces on the floor that we have to deal with on a daily basis."

Raymond has served time in state prison on a forgery conviction. He's now returned to CIM on a minor parole violation and he's serving another five months in the overcrowded gym. (To Actuality 3)

"It's extremely bad. So you have more people coming in with more problems and more calamities to add to the frustration of the people that are there. Some of these people have no respect or compassion. So when they come here, they take their aggression on the next man, which is right next to you, again because the bunks are so close to you. And then in turn, turmoil, fights, arguments constantly. The noise level is beyond measure, on a constant level. It's very very hard."

(To SFX 4/CIM ambience for a few seconds, then to Actuality 4)

"I was amazed they didn't have a riot every day in that facility."

Dennis Yates is mayor of Chino, now home to three state prisons. In the last ten years, Chino's housing development and shopping centers have expanded rapidly and the prisons no

longer fit in with the city's growth plans for attracting new business and tourists. The town is concerned with public safety. In December 2006, a 700-man riot erupted at CIM. After the riot, Mayor Yates toured the prison--he says it's even worse now than when he visited fifteen years ago. (To Actuality 5)

"I feel really bad for the correctional officers working--I can't imagine working in that atmosphere. It is horrendous. I have to tell you--that if I was ever convicted and sent to prison, I would prefer they send me to the Humane Society and put me in one of those cages. It's a lot cleaner and more sanitary. That's a fact--and more room too, obviously more room."

Overcrowded conditions have caused serious health hazards and contributed to the on-going crisis in prison medical care. The California Department of Corrections has been under repeated court order to improve medical care, but has failed to do so. Finally in 2005, the federal courts stepped in and Judge Thelton Henderson took the unprecedented step of placing California's entire prison medical system into federal receivership. Health administrator Robert Sillen was the first federal receiver appointed by Judge Henderson. He was charged with the task of bringing prison medical care up to constitutional standards. (To Actuality 6)

"It's just a horrid, horrid situation, which one really has to see in order to believe. I had never been in a state prison before I went to San Quentin on day 2 of the receivership and it was truly an eye opener."

(Start SFX 5/San Quentin gym ambience under)

Here in San Quentin's gymnasium, the basketball court is packed with hundreds of prisoners and double bunk beds. This is where Sillen got a first-hand look at a medical system he calls "broken beyond repair." (To Actuality 7)

"What are purportedly clinics were very, very tiny spaces without any real equipment. The emergency rooms didn't have sutures and gauze. The paint was chipping, it was just in total dishevelment. They couldn't get supplies, the sewage from upper tiers was running into a clinic in the lower tiers. That clinic, in quotes, was a double-size cell with plastic sheeting over it to help try to keep the drippings out of it. The dirt and the

filth, the age of the facility, over 150 years old--this was a situation I had never imagined was bad as it was."

Substandard conditions and staff shortages have also led to separate prison litigation, challenging the quality of dental care, disability access, and mental health care. It's estimated that 25 percent of all California prisoners are afflicted with serious mental health problems such as schizophrenia or bipolar disorder. The number of suicides in California prisons is nearly twice the national average in other prisons. Attorney Michael Bien has brought several lawsuits on behalf of mentally ill prisoners. (To Actuality 8)

"Why does that happen? It happens because we don't have the appropriate clinicians and treatment space, pharmacists and nurses to actually identify people who need help quick enough, get them to places where they can receive help quick enough, and get them the appropriate care they need. Far more than half, almost 3/4's of the suicides were preventable. That's shocking--it shouldn't be happening. Just like Mr. Sillen, the receiver in the medical care case has said that people are dying of diseases in California prisons that they should never die of--anyone with basic care, their lives would be saved."

(To SFX 6/Stark ambience "G3 and 4, we about to open your doors. Open all the doors--every last one of them.")

California's juvenile detention facilities have serious problems as well. Fighting, violence, and numerous suicides have plagued the juvenile system for the last fifteen years. These youth prisons have been called the worst in the nation. (To Actuality 9)

"It's rowdy, it's always riots, there's always racial tension between the blacks and the browns, and it's always something happening. People getting sliced up or getting stabbed. I seen quite a bit of violence."

Mario was fourteen when he was sent to state juvenile detention for attempted murder. For the last ten years, he's been in and out of several state youth facilities and has seen his share of violence. (To Actuality 10)

"It's nothing new to me. There's quite a bit of fights. You always see three people jumping one guy or seven on one. Or sometimes you get fifteen on two. And a lot of these guys will go out of their way to jump barbed wire fences just to get to two African-Americans or vice versa. That's the gang mentality. And that's what they see--it's all about the race, it's all about their gang."

(To SFX 7/music for a few seconds, then to Actuality 11)

"It's around you 24/7. In order to survive in this environment, you gotta bang because that's how it's set up. It's either you Mexican or you black."

Brandon committed robbery at age 15 and has spent several years in state youth detention.

(To Actuality 12)

"Sometimes, I don't even want to come out of my room, 'cause I don't know what going to happen. There's a lot of tension here. At any given time, something could happen. I could get into a fight with a Hispanic right now and hundreds of people gonna get up. I'm not even safe in the visiting hall with my parents. You gotta suck it up-- gladiators. On Sunday, there was a riot, involving twenty-two wards, over something so small as a Kool-Aid. Yeah, it's dangerous up here."

(To Actuality 13)

"They don't feel safe. They aren't safe, so they do the only thing they can to protect themselves, which is to affiliate with other young people and typically that's a gang."

Sue Burrell is an attorney with the Youth Law Center. She's filed several lawsuits on behalf of juvenile offenders, challenging the conditions of their confinement and one of the most notorious forms of discipline, called 23 and 1. (To Actuality 14)

"It means that you are locked in an eight-by-ten foot cell for 23 hours a day. You're allowed to come out for one hour a day, during which time you have to take a shower and have your exercise. That's it. 23 and 1 just exacerbates any kind of underlying mental health problems and it causes mental health problems in people that didn't have them before. Even for an adult, that kind of situation is just unbearable. But if you're a young person and let's say you have underlying mental illness, it's just going to force you to deteriorate even further."

(To SFX 8/"We're looking for row 4, grave 3A. It's somewhere over here, let me keep looking")

This is the cemetery in Sacramento, where Joseph Maldonado is buried. Joseph was an 18-year old who committed suicide while at a state juvenile detention center in the town of Stockton.

(To SFX 9/"Here it is. There's no marker, it's a grave. That's it, right there....")

The Maldonado family was too poor to provide a gravestone for Joseph. His sister Renee is trying to raise the money through donations. (To Actuality 15)

"(Sobs) How I wish he was here. I wish he didn't have to go through what he did. (sobs) I wish things could have been different for him. It's hard to look at these pictures. This is the last time I seen him on his eighteenth birthday....(sobs)"

Joseph was in 23 and 1 lockdown for eight weeks. On the day of his suicide, Joseph was extremely depressed and had covered up the window to his cell door. The prison staff waited forty minutes before breaking into his cell. By then, it was too late. (To Actuality 16)

"Those were signs that obviously he's hiding to do something. I just feel if he was asking for help, they should have looked more into it, 'cause he wasn't the first death there. It kind of makes you raise an eyebrow--like, what's going on in there? Of course they're going to say what they have to say to cover themselves. It's these kids who are committing suicide, asking for help, or crying out to their loved ones for a reason. And it's just being ignored."

(To SFX 10/dark music)

What can be done to fix a prison system declared to be "broken beyond repair?" Many believe prison expansion is the answer. (To Actuality 17)

"In a moment, I will sign Assembly Bill 900, authorizing 53,000 new beds and a monumental shift in how we manage prisons."

In May 2007, Governor Schwarzenegger signed into law AB 900, a \$7.5 billion dollar bill that's been called the largest prison construction plan in history. But prison rights attorneys say building more prisons is not the answer. They want the prison population reduced by 20 percent. While there's a lack of consensus on what to do, almost everyone agrees--the prison crisis will be hugely expensive to fix and will not go away any time soon. Understanding how the crisis started in the first place may provide some of the answers. When we return--a look back at the genesis of California's prison crisis.

(One minute music bed)

## Part 2

This is "Prisons In Crisis: At State Of Emergency In California." I'm JoAnn Mar.

The California prison system was not always in crisis. Prior to 1980, California prisons had a progressive reputation. In the mid 70's, the prison population was down to 20,000, a number substantially less than the 173,000 prisoners incarcerated today. Joan Petersilia is professor of criminology at the University of California at Irvine. (To Actuality 18)

"California actually was the national leader between the 1940's and 1970's in developing rehabilitation programs and most of the programs that are in prisons today actually came from the California prison system. And so it in fact was the national model and international model."

Jonathan Simon is professor of law at the University of California at Berkeley. (To Actuality 19)

"In those years, our prison population was shrinking actually from its immediate post-war high. One of the ironies is that at the end of that period, there arose a consensus that rehabilitation had not worked. While the system as a whole didn't seem to show real progress, we now know that it was working relatively well compared to what we have now. Then, about a third of the people went back to prison. Now, over two-thirds go back to prison."

Caron Vaughn worked for the state juvenile detention system in 1973--the California Youth Authority. She remembers when juvenile facilities focused more on therapy. (To Actuality 20)

"It was ran by counselors. They had group sessions with the kids or they would have single counseling. They had a therapist, they had outside activities, they wore their own clothes. Families could come visit them and bring little picnic lunches. They'd go to school and the way the campus was, it was like a college campus. They'd have the living units, they'd leave and go to the classrooms. They'd get to go to the gym, play basketball and that's how it worked."

(To SFX 11/prison door slamming shut)



All that changed, when the federal government declared a war on crime in the late 60's. By the 1970's, the public's fear of crime and riots was increasing, spurred on by President Nixon's anti-crime campaign. (To Actuality 21)

"I think there are lots of individuals and organizations that benefit from fear of crime. At the top of the list is local TV news, where the motto is, if it bleeds, it leads."

Barry Glassner is professor of sociology at the University of Southern California and author of the book "The Culture of Fear." (To Actuality 22)

"In most parts of the U.S., it's virtually impossible to turn on the local TV news without seeing crime stories that would lead pretty much anyone to believe that their community is in danger, that crime is rampant, that it's frightening, and that's regardless of whether crime rates are going up or down at the particular time."

(To SFX 12/TV ambience "Police department, search warrant, demand entry ....")

State legislatures soon followed the federal government's lead in getting tough on crime. They enacted laws cracking down on drugs, created new criminal offenses, and increased penalties. Thus began the era of "zero tolerance." and President Ronald Reagan's "War on Drugs" campaign in 1986.

(To SFX 13/Ronald Reagan "Drugs are menacing our society. They're threatening our values and undercutting our institutions. They're killing our children." Nancy Reagan "I was asked by a group of children what to do if they were offered drugs, and I answered 'Just say no.'") (To Actuality 23)

"Politicians, especially in local elections, very often run their campaigns on fears of crime because that is a local issue. It's something that touches nerves and that motivates people to go out and vote."

Sociology professor Barry Glassner. (To Actuality 24)

"If I'm going to run for local office, there's nothing better I can run on than fear of crime, especially if I can paint my opponent in the race as being somehow weak or less concerned about crime. If I can achieve that, I

stand a great chance of motivating large numbers of constituents to go out and actually cast a vote, because the stories are frightening. If I'm really good at it, I'll have a character in my story, someone who was released from prison or wasn't arrested who should have been and did something terrible or he's still on the loose, so that I give life to that story."

That frightening scenario played itself out in the early 90's in California, when some parolees made headlines by committing new heinous crimes.

(To SFX 14/Reynolds house tour "I'm going to take you out in the backyard where three strikes was drafted ....")

Mike Reynolds is known as "the father of three strikes." His house in the town of Fresno has become a shrine to his daughter Kimber. In 1992, she was shot while being robbed by two ex-felons on parole. (To Actuality 25)

"As she lay dying on a deathbed, there was virtually nothing we could do, a totally helpless feeling. I made a promise to her that if I couldn't save her life, I would do what I could to try to prevent this from happening to any other child and that was my promise to her and I've tried to live to that."

California's version of the three strikes law is one of the harshest in the country. Anyone convicted of two serious felonies can be sent to prison for the rest of his life if he commits a third felony of any kind, like stealing video tapes or golf clubs. At first, the three strikes campaign went nowhere--until the kidnapping/murder of twelve-year old Polly Klaas. According to law professor Jonathan Simon, fears generated by the Polly Klaas murder led to the public's embrace of three strikes. (To Actuality 26)

"The fact that the crime took place in what at least appeared to Americans to be a quintessentially a safe suburb distanced from the inner city and all of its turmoil and problems. And that it involved a young girl taken right out of her house, I think went right to the gut of where crime fear in America has lurked. And if Polly Klaas could be kidnapped out of her suburban home, then nobody in California was safe."

(To SFX 15/Sound of phones ringing for a few seconds, then to Actuality 27)

"Lo and behold, they discovered the missing body of Polly Klaas and it was on a Saturday night. Our lines here in Fresno lit up."

Mike Reynolds, co-author of the Three Strikes law, says the phones rang off the hook at campaign headquarters. (To Actuality 28)

"All of a sudden, we couldn't write down the requests for petitions as fast as they were coming in. I mean our lines were just blowing, I mean what's going on? We didn't know what happened. There was a lot of public outrage. Well suddenly, we had the fastest qualifying initiative in the history of California."

Politicians on both sides of the aisle quickly jumped on the three-strike bandwagon. One of them was Pat Nolan, Republican leader of the State Assembly. (To Actuality 29)

"There was a headlong rush to pass three-strikes. I knew that it was flawed at the time. Several of us tried to change it. But the juggernaut in the Legislature was 'we've got to pass this because there's just public demand for it.' I was dedicated to making our neighborhoods safer. I thought that would be done by catching the bad guys and locking them up for long periods of time. We fought and got a tremendous expansion of the California prisons."

(To SFX 16/music)

Tough on crime became the new slogan of the 90's. Legislators were competing with each other to see who could be tougher. Any politician seen as being soft on crime ran the risk of losing his seat. Law professor Jonathan Simon says countless changes were made to the California penal code, all leading to longer sentences. (To Actuality 30)

"A study done by some of our colleagues at the Stanford Center for Criminal Justice, in the late 80's into the early 90's found that in five years, over a thousand sentencing laws were enacted, all of them increasing sentencing. That's about one law a day that the Legislature was in session. The sentencing code is sort of a gift to Legislators, because it's something they can easily enact, that resonates with many members of the public and which has very little resistance.."

(To SFX 17/"I'm Fresno mayor Alan Autry. When jail and prison inmates are released before their time, it emboldens dangerous criminals to commit new and more violent offenses. How

often do we read about tragic crime, only to find out it was committed by somebody fresh out of jail or prison?")

With new crimes on the books, harsher penalties, and longer sentences, California's prison population grew rapidly and by 2007, the prison population had reached an all time high of 173,000, a nearly 700 percent increase since the 1970's. The number of state prisons has grown from twelve in 1980 to 33 today. But new construction did not keep pace with the explosive growth in the prison population.

(To SFX 18/sound of prison door slamming shut)

As California got tough on crime, the purpose of prisons shifted to punishment and control. Criminologist Joan Petersilia says California lost all enthusiasm for rehabilitation. (To Actuality 31)

"Pretty much all the rehabilitation programs in the California prison system were dismantled. That means education classes were discontinued, work training programs were discontinued. Fully half of all prisoners that come home today will have sat idle their entire prison stay. So, we basically dismantled most every rehabilitation program we had and it became a very punishment-oriented model."

(To SFX 19/sounds of corrections officers graduation ceremony for a few seconds)

It's graduation day at the state correctional training center in the central valley town of Galt. These new corrections officers will soon be sent to prisons around the state. Their jobs will not be easy. Former corrections officer Herb Higgins remembers the challenges. He was forced to retire in 1990 for stress-related heart problems. (To Actuality 32)

"Your adrenalin is just rarin' and roaring all the time, because you don't know what's facing you on the other side of the door. I searched cells where people have brought buck knives in from the streets. They've made prison shanks. I searched one cell one day where an inmate had seventeen knives underneath his toilet. Each institution is controlled by a particular gang. There's always a power struggle amongst the inmates to control a particular prison."

(To Actuality 33)

"The staff, the correctional officers view themselves as something of a police force there to keep the lid on, which is a pretty conflict-oriented approach."

Law professor Jonathan Simon. (To Actuality 34)

"Once we declared that the purpose of prison was punishment, we took away the kind of script for what ought to go on in prisons and what has gone on instead is at best a warehouse where people are just doing time without doing any real activity to productively fill their lives. But much worse, we know we have this gang problem in prison and largely it has grown up to fill the vacuum of the absence of any really positive programming."

(To SFX 20/excerpt from CCPOA video "Hard Time", then to Actuality 35)

"To explain how it is to be in prison, it's like you're an amputee. You're cut off from your family, you're cut off from your work, from your home and your community and your church. Then you're tossed with your stump still bleeding, tossed into this roiling cauldron of anger, bitterness, and resentment, sometimes violence."

At the pinnacle of his career as a law-and-order politician, Republican leader Pat Nolan saw his own life fall apart when he went to federal prison on corruption charges in the mid 90's. (To Actuality 36)

"It really is horrible. You're treated as meaningless. In my case, screamed at constantly by a counselor, berated, sought things to try to single me out. It was destabilizing to my self-esteem. So many of the men and women going in don't have good self-images to start with. They're told thousands of times 'you've got nothing coming' and get snarled at 'you got nothing coming.' And implied in that is 'you are nothing, you come from nothing, you will be nothing, you're worthless.'"

With low self-esteem, lack of job skills and education, and a felony record, most ex-offenders have difficulties finding housing, landing a job, leading stable lives, and staying out of prison. Many return to prison on minor parole violations. (To Actuality 37)

"To me, the parole system is the biggest culprit in prison crowding."

Criminologist Joan Petersilia says California is one of the few states in the country that requires parole for every prisoner, regardless of the severity of the crime. (To Actuality 38)

"We play catch and release. Inmates are released from prison. Two-thirds will be returned to prison within three years, most of them for parole violations such as they've missed an appointment with their parole officer or they've tested dirty, which is the primary reason or they've absconded supervision. They'll get a revocation term and that revocation term averages four months. So they'll go in for four months, they'll be out for about five months, they'll go back in for four months, and they just keep doing that until they have accumulated 36 months and then they'll be discharged."

(To SFX 21/prison ambience)

Eventually, over 93 percent of all prisoners will be released and many ex-offenders are likely to commit new crimes. (To Actuality 39)

"We've invested so much in a system that actually turns people out of prison that are more dangerous to us and that puts us all at risk."

Former Republican legislator and ex-felon Pat Nolan. (To Actuality 40)

"They ride on the buses with us, they go shopping with us, they're at the parks with us. How they're treated inside prison, how they're prepared to live will determine what kind of neighbors they'll be. If they're treated like animals inside, they're stripped of any dignity, if they're not prepared to lead a productive profession or business life, have some skill when they get out, the tendency is to slip back into the ways of crime, of the street. And that puts all of us at risk, that puts us all in danger."

(To SFX 22/music)

California has one of the highest recidivism rates in the country. Over 70 percent of all prisoners released return to prison in three years. The huge amounts of money spent on corrections has failed to reduce recidivism. Annual state spending on corrections is nearing ten billion dollars. It costs \$43,000 to house each prisoner every year, almost twice the national

average. Bay Area legislator Mark Leno was former chair of the State Assembly Public Safety committee. (To Actuality 41)

"We were at 5.4 percent spending on corrections in 2003. Today, four years later, we're pushing ten percent of our general fund on corrections. And it is now projected that within a couple of years, California will be spending more on the Department of Corrections than on higher education, probably the first in any industrialized western nation."

(To Actuality 42)

"At present, the state wastes literally billions of dollars in its California Department of Corrections and Rehabilitation, and much of that proportionally in medical care."

Federal receiver Robert Sillen, who took control of the state's prison medical care system in 2006, after federal court intervention. According to a 2006 state controller's audit of the prison health care system, waste, abuse, and management deficiencies are rampant. The report cited several examples of over billing and poor services by outside private contractors. Sillen says part of the problem is the lack of systems in place to track spending and medical information.

(To Actuality 43)

"We're running a medical care system that has no information technology. It's just unheard of. Here we are right now—we're sitting in the middle of Silicon Valley and there are no computers out there whereby clinicians can get medical information. The medical records, you know, sometimes they're just jackets with 52,000 inches of unfiled clinical material. So it is just a system of utter chaos, totally out of control. And we have to bring a modicum or organization and consistency to it—we're years away from that."

(To Actuality 44)

"Right now, nobody's held accountable for budget issues. The Peter principle is alive and well in this agency."

Chuck Alexander is vice president of CCPOA--the California Correctional and Peace Officers Association. He's spent a lot of time in the state capitol, lobbying on behalf of the union and its members and doing battle with the Department of Corrections. (To Actuality 45)

"If the budget is bad, if we're out of whack in the budget for example in this department, if we're off by a hundred million dollars--it's considered a 'rounding' error by this department. And the person or persons that make that rounding error don't have to answer for that. They may even get promoted for that."

And for those who blow the whistle on fraud and waste, life can be difficult. (To Actuality 46)

"I'd go into work sometimes for three or four days and no one would speak to me. It was an odd feeling. But I didn't want to stay home on stress leave or any of that stuff."

In 1998, Richard Krupp was Chief of the Personnel Automation section at the Department of Corrections and he discovered spiraling sick leave and overtime cost overruns of nearly 100 million dollars. He brought this problem to the attention of his supervisors. Instead of expressing gratitude-- (To Actuality 47)

"They didn't like that. They said, 'well, what can you do to make the rates look like they're decreasing?' I said 'I'm not doing that.' And they said 'you refusing?' And I said 'yeah, I'm not gonna do that because it makes no sense. You're going to try to convince the state auditor and the report was going to the Legislature. If you're going to convince them you don't have a problem, how do you fix it then?' So they took away my keys to the office and told me they didn't need my help anymore and I think they assigned that task to somebody else."

Richard Krupp was removed from his job and was put to work in the research department. There he was assigned one hour of work a week for a salary of \$72,000 a year. Krupp eventually filed a whistle blower complaint with the State Personnel Board and the State Inspector General's office. (To Actuality 48)



"I didn't actually think of myself as a whistleblower. I was just trying to get back on track and be a normal person. They found that the Department retaliated against me when they moved me and wouldn't allow me to go back to my other job--just about everything I had listed in the complaint. They recommended that two of the people in the Department, I forget the exact punishment--they were supposed to be thirty days without pay and they were supposed to have some sort of adverse action--I don't remember the details."

But nothing happened--no one was punished for the retaliation against Richard Krupp and the Department of Corrections continued to fight his complaint for several years, using twenty-two attorneys. The matter eventually settled and Krupp was awarded \$500,000 dollars. And by that time, the state had spent nearly one million dollars in attorneys' fees.

(To SFX 23/music)

Richard Krupp was not alone in raising questions. In 2008, a national report criticized California's spending priorities. The Pew Center on the States concluded "there hasn't been a clear and convincing return for public safety. Expanding prisons will accomplish less and cost more than it has in the past."

When we come back--getting smart on crime. A look at alternative ways to fix California's prison crisis.

(One minute music bed)

### Part 3

This is "Prisons In Crisis: A State Of Emergency In California." I'm JoAnn Mar.

There are no simple solutions to the California prison crisis. After 25 years of continuous neglect and mismanagement, fixing the crisis will take a long time and a lot of money. But some incremental progress is being made on getting runaway correctional spending under control.

Department of Corrections official Richard Krupp, who blew the whistle on wasteful spending and was banished to a do-nothing job, is more optimistic these days. (To Actuality 49)

"Well, I know if I elevate issues or problems that we have, people pay attention. They may not always agree, I'm not always be right about this stuff, but at least they pay attention and they do something, which is not the way it was in the past."

In 2007, the Schwarzenegger administration promoted Richard Krupp to head the department's audits and compliance section. He now manages the effort to root out waste, fraud, and abuse.

(To Actuality 50)

"Contractors get the message that they need to clean up their act, cause we're out there looking at them. While we're at the audit, we find things we need to fix right away. Instead of waiting till the end, we take it up to management, they take some action, and it's done."

(To Actuality 51)

"Step by step, we'll get there, but the end is nowhere in sight."

Federal receiver Robert Sillen recently described his uphill battle trying to reform the state's prison medical care system. (To Actuality 52)

"There is no way to get this job done without being, let's say, forceful in one's approach, because nobody's rolling over and playing dead and that means everybody. There's so many vested interests that it's incredible. Every inch of the way is a fight, because if one isn't up to this and one can't stick it out, then why get into it in the first place?"

But Sillen's abrasive style did not sit well with politicians and prison activists alike. After two contentious years on the job, he was removed by Judge Henderson. During his short tenure, Sillen accomplished a lot--he fought through bureaucratic red tape, recruited hundreds of nurses, raised staff salaries, and improved the pharmacy system.

(To SFX 24/sound of San Quentin gate)

San Quentin was the site for Sillen's pilot project. (segue to SFX 25/sounds of screening area) Medical care has improved significantly. Upon arrival, all prisoners now receive medical, dental, and mental health screenings in new exam rooms. Medical records can now be accessed more quickly.

(To SFX 26/sounds of drilling and construction)

Plans are underway for a new central health care facility at San Quentin. The five-story building will be a state-of-the-art hospital that will house fifty medical and dental beds, outpatient clinics, medical records and a pharmacy.

(To SFX 27/San Quentin ambience "last call for duckets ....")

In the meantime, makeshift clinics have been built in the gymnasium and in portable offices. One of Sillen's major accomplishments was the construction of a new emergency room. Registered nurse Elsa Monroe says for a long time, San Quentin's ER consisted of only two beds in a tiny 400 square foot space with no medical equipment or supplies. (To Actuality 53)

"As you see, we have space so we can stretch out our arms and not touch the walls. They have curtains, privacy, which is something you don't see around the facility. So we don't turn away the people who are coming in with acute injuries--hangings to stabbings to burns, fights in the courtyard."

Robert Sillen calls the progress he made "baby steps"--just a start in the long process of bringing all 33 state prisons up to constitutional standards. But until overcrowding and substandard conditions are addressed, progress in prison medical care will be slow.

(To SFX 27/music "Amazing Grace")

"Amazing Grace" is the hymn that gave disgraced Republican legislator Pat Nolan comfort while he was in prison--a song that reinforces the idea there is hope and redemption for sinners. When he got out, Nolan devoted his life to prison reform. He joined Prison Fellowship Ministries, a faith-based organization founded by Watergate felon Charles Colson. Nolan now spends his time traveling the country, promoting rehabilitation and reentry programs as a way of reducing recidivism and overcrowding. (To Actuality 54)

"People do listen to me. Now we're not always successful. But the fact that I did serve time in prison and can talk about what I saw there and the pain and separation, but also the abuse and I can talk about the legislative process and can explain to them how our current system isn't really meeting the needs of the public--it gives me a unique position to speak out and try to improve things."

Through his work with Prison Fellowship Ministries, Pat Nolan has helped establish successful reentry and diversion programs for ex-offenders in seven states. The efforts of Nolan and other prison reformers are starting to pay off in California as well. There's now a broad consensus that rehabilitation holds the key to reducing recidivism and overcrowding. But rehabilitation is a long-term solution—prisoners do not turn into model citizens overnight and rehabilitation programs have lagged. Before rehabilitation can start, overcrowded conditions must first be reduced. The day rooms and gymnasiums are overflowing with prisoners and bunk beds, leaving no space for classes and counseling.

(To SFX 28/CIM gym ambience)

After years of litigation, the Prison Law Office of northern California is tired of waiting. It's seeking a court order to roll back the number of prisoners currently incarcerated. A three-judge federal panel has taken up the Prison Law Office request for a population cap. (To Actuality 55)

"There's people out there trying to weaken the three strikes once again. So Let me just say one more time loudly and clearly so everyone knows. That is never going to happen. The three strikes law will never be softened--not on my watch!"

Governor Arnold Schwarzenegger addressed a Victims' Rights march in 2007. Law enforcement and Republican leaders have flatly rejected sentencing reform and the early release of any prisoners. (To Actuality 56)

"No one will get out of prisons because we are running out of space. They will only get out of prisons because they have served their term, they have served their time and they're able to get out of prison."

To resolve the overcrowding crisis, federal judges and mediators are trying to bring all sides together. Settlement discussions have focused on parole reform to reduce the numbers of parole violators returning to prison. California Assemblyman Mark Leno says parole reform is needed to prevent ex-offenders from constantly cycling in and out of prison. (To Actuality 57)

"We don't have what most states have, which is called intermediate sanctions. That means, if you're on parole and you, let's say, test positive for drugs. Well, in most states, there's an intermediate sanction that, rather than sending you all the way back to prison and in this state costing you and me the taxpayer \$43,000 annually to house that inmate sent back, you'd send that individual into drug rehab, which is clearly the problem-- this was not for the commission of a new crime. We don't have that."

Also under discussion is reducing the time prisoners spend behind bars. One solution is good time credits--reducing their sentences in exchange for their participation in rehabilitation programs. Dan MacAllair is executive director of the Center for Juvenile and Criminal Justice, a non-profit that promotes prison reform. MacAllair supports the idea of good time credits for

prisoners, but he doubts whether it can succeed under the present circumstances. (To Actuality 58)

"Well, what happens if they're willing to participate in work programs but work programs aren't available, which is a major problem in the corrections system in California, even for inmates that are motivated to try to improve themselves. The avenues for them to do that are closed."

Whether it's early release of prisoners, parole reform or good time, any permanent reduction of the prison population depends on the success of rehabilitation. But comprehensive counseling, treatment, and training programs do not exist within California's prisons or outside in the community. The state virtually dismantled its rehabilitation programs twenty years ago and is now facing the daunting task of starting over.

(To SFX 29/Music)

California took its first step toward restoring rehabilitation in 2007 with the passage of the AB 900 prison construction bill. AB 900 requires that all prisons reach rehabilitation benchmarks before new construction can take place--not an easy goal, given the lack of available space for programs and classes. But the AB 900 legislation does provide for ten reentry centers to be built around the state. Prisoners serving the last year of their sentence will be transferred to the reentry facility closest to their communities. The idea behind reentry is to help ease prisoners' transition back into society through a combination of education, job training, and community support services. (To Actuality 59)

"It's not a bad idea. It actually has a lot going for it."

Joan Petersilia was appointed by Governor Schwarzenegger to head up his Rehabilitation Strike Team. Her job is to implement the rehabilitation mandates specified in AB 900. (To Actuality 60)

"The challenge is where you're going to site them. Communities, I think, are skeptical that they want these facilities in their backyard. It's very difficult to site jails, to site group homes for prisoners, for parolees, etc. I think the real challenge is whether you're going to get local communities to build facilities and accept these prisoners."

(To Actuality 61)

"In my opinion, the Department of Corrections, which is vested in running prisons, has done a poor job of running community programs with some exceptions. But overall, they're not heavily invested in the development of non-prison programs and non-prison alternatives."

Prison reform activist Dan MacAllair says that the Department of Corrections has a poor track record managing reentry programs. (To Actuality 62)

"You have to have competent oversight. You have to have the capacity and the willingness of the corrections agency to make it happen. If you have an agency that's hostile to community based programs, then it's going to fail."

Only one percent of AB 900 funding is directed to rehabilitation--an amount reform activists say is too small to do much good.

(To SFX 30/sounds of corrections officers graduation ceremony)

In addition, successful programs depend on a supportive environment. Current training of corrections officers is based on the military model. The emphasis is on punishment and control, not on treatment. Joan Petersilia says the success of rehabilitation will depend on the training and commitment of staff. (To Actuality 63)

"I have found guards who are incredibly resistant and they will say 'they ain't got nothing coming' and 'I'm here to guard them and don't want any interaction' and 'as long as they're behind a cage and locked up 24 hours a day, it's fine with me.' But I also found equal numbers of corrections officers who are ready and chomping at the bit to do something different, telling me they got into this work not to lock people up. They got into this work to make a difference."

What would a successful reentry program look like? Many models exist at the local level in California and in other states. Sometimes coming up with a successful program requires thinking outside of the box.

(To SFX 31/sounds of purse strap being adjusted and snap closing "It's covered in felt. It holds pens or lipstick ....")

Arizona Department of Corrections director Dora Schriro is showing off a handbag made entirely of license plates--her innovative idea for raising money to fund job training programs.

(To SFX 32/Schriro "We like to say that our handbags are so well made, that they're guaranteed twenty to life")

Another one of Schriro's innovations was a successful reentry program she started in 1993 when she headed up Missouri's Department of Corrections. She calls it the "parallel universe"--reinventing prison to resemble the real world. (To Actuality 64)

"We have traditionally treated the population very much like children. If it's our responsibility as the corrections staff to wake up the population and get them to breakfast on time, why are we so surprised when that population fails to report to their parole officer? So saying to the population--you know, most of you know how to tell time. It's now your responsibility to figure out when you need to wake yourselves up and get to the chow hall on time. And if you miss a meal, it's because you didn't organize your time correctly."

The goal is to prepare prisoners to live in the community. Prisoners are required to make decisions and engage in productive activities around the clock--work, classes, job training, treatment programs, and community service. (To Actuality 65)

"We are tough, but we are tough and smart about the way we achieve safety now and safety later. Anyone who would argue for inmates who lay around in their bunks all day and watch TV as opposed to getting their buns out of bed from the first to last day--maybe needs to rethink what tough and smart is all about."

(To Actuality 66)

"We have decided in San Francisco that we want to be smart on crime."



San Francisco District Attorney Kamala Harris. (To Actuality 67)

"And we recognize that one of the smartest ways to deal with crime is to do everything we can, not just to react after it happens, but to prevent it from happening in the first place."

San Francisco is a city that has some of the most innovative locally funded programs for criminal offenders in California.

(To SFX 33/Back on Track ambience "So stop smoking week! Stop using escstsy! You have to stop smoking week if you want a good job ....")

Back on Track is a program started by Harris in 2005 for first time drug offenders. Counselors work one-on-one with them and make available a wide array of support services and opportunities.

(To SFX 34/sounds of Back on Track graduation ceremony "So the first graduate we will celebrate this evening is Robert Butler ....")

Upon completion of the program, Back on Track graduates get their criminal charges dropped and they don't go to prison. Back on Track participant Ann Held spoke the graduation ceremony. (To Actuality 68)

"I thought it was gonna be easy. Regardless of what anybody say how easy the program is--they lyin'! They didn't do it right, because it was hard. I had temptations every day. I had people after being on Back on Track offering me dope to sell, rather than ten dollars to eat or a place to lay my head. So I went and enrolled in school. I attend Heald College full time, I'm volunteering in community work. Now I could open my group home and I won't have no felonies to stop me."

(To SFX 35/sounds of NoVA meeting "Did I know fightin' was wrong? No I didn't, it wasn't wrong ....")

These ex-felons are part of another San Francisco reentry programs called NoVA--the No Violence Alliance, run by the sheriff's department.

(To SFX 36/more sounds of NoVA meeting "When I did 18 years for brutalizing somebody with my hands, did I think I was gonna get 18 years for brutalizing somebody?")

NoVA is a unique reentry program that specifically targets services to ex-felons with violence in their past--people at high risk for returning to a life of crime. San Francisco Sheriff Michael Hennessey started NoVA in 2006. (To Actuality 69)

"Of the 330 people we've accepted, only 42 have been re-arrested, which is about a twelve percent re-arrest rate. Compare that to state parole of 70 percent, I would say these programs work."

(To SFX 37/Sound of counselor lecturing group)

One of the keys to NoVA's success is its staff of case managers, many of whom are ex-offenders. They serve as counselors, mentors, and role models. The case managers help NoVA participants find housing, jobs, treatment programs and help them manage their lives. Alan, who spent three years at San Quentin, is now an ex-felon in the NoVA program. (To Actuality 70)

"They showed they cared about me. They showed that I could do it. I just gotta keep trying. I can't give up. They instilled some self-worth in myself. I was ready to die. And they sat me down and talked to me for hours--just about life. I do plan to get back in school. I want to myself see that come to light. Right now, it's dark, but it's going to come to light, 'cause my heart's in the right place."

(To SFX 38/Sacramento rally gospel music "Don't you give in/To Satan and sin/keep holding on until your journey's end")

For states with large prison populations, California serves as a cautionary tale of what can go wrong with unrestrained prison expansion. California is starting to turn the corner, but it still has a long way to go before the prison crisis comes to an end. The weak economy and the billions of dollars going into prisons are adding to California's growing budget deficit. The state is under pressure to turn the prisons around as quickly as possible. But how quickly the crisis can be resolved will depend on whether the public demands change. Professor of criminology Joan Petersilia says so far, the public has been indifferent. (To Actuality 71)

"The only way to get the public to engage and be interested in correctional reform is when they start understanding the economics. That only when people realize that as you're building prisons and the budget is ten billion dollars and all that budget comes from things like education--we are not funding schools in California, we're not funding roads, we're not funding health care. And until the California public realizes that these dollars that they are not paying attention to that is going to the prison system is carrying from things they do care about--I don't think they'll be engaged in this policy area at all. And that is really our challenge."

(To SFX 39/closing music and credits)

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