

Crowding at Prisons Has State in a Jam
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SACRAMENTO — Sixteen months ago, the chief of California's vast prison system told his wardens to prepare for a new day: The inmate population, he said, was poised to plummet; prisons would be closed.

That forecast proved far off the mark. Over the ensuing months, the number of men and women in state lockups soared to 165,000 — a record number that jammed prisons to twice their intended capacity.

Scrambling to cope, managers wedged inmates into gyms, TV lounges, hallways — even a chapel. Some convicts bedded down on mattresses tossed on the floor. Thousands more were stacked three high in narrow bunks.

The overcrowding has pushed tensions sky-high in an already perilous environment. It has punched a \$207-million hole in the \$6.25-billion corrections budget. And it is jeopardizing one of Gov. Arnold Schwarzenegger's most ambitious initiatives: to make California's disgraced and troubled penal system a national model once again.

Now, instead of shutting down prisons, the state is opening a new one — and reopening a privately managed facility — in the quest for enough beds.

Criminologists and correctional officers who walk the state's cellblocks warn that overcrowding is a recipe for unrest, as well as health and fire safety problems. Already, California prisons report nearly twice as many assaults behind bars as those in Texas, which has about the same inmate population.

"You keep putting rats in a box, and pretty soon those rats go off and kill each other," said Lt. Charles Hughes, chapter president of the guards union at the state prison in Lancaster.

Overcrowding, coming even as violent crime in California continues to drop, reflects the failure of corrections officials to accurately project and plan for the most critical factor in their operation: the number of inmates they must house.

It also highlights the Department of Corrections' halting implementation of a host of parole reforms, which were expected to dramatically cut the inmate population and permit the closure of as many as three prisons.

Instead, California's correctional system — the nation's largest — now imprisons enough felons to fill Dodger Stadium nearly three times over. As of Feb. 23, the most recent survey, the number of inmates had settled at 162,276.

At California State Prison, Solano, in Vacaville, the effects of overcrowding are easy to see. Behind electrified fences and razor wire, nearly 6,000 men are doing time in a warren of buildings designed for 2,600.

In a gymnasium now called "G Dorm," the basketball hoops are folded back to make room for row upon row of triple-deck bunk beds. The noise — from televisions, radios, yelling and laughter — is constant, and the smell is about what you'd expect from 225 men living cheek by jowl who must use overworked toilets and wait in line for the few showers.

The dorm — watched by several guards on an elevated platform — evokes images of a refugee camp, only more crowded and more permanent.

"If it wasn't so crowded, it would slow down the tension," said Bryan Combes, a 34-year-old Lancaster man serving a sentence for assault with a deadly weapon.

"It's like living in a phone booth," added one his neighbors.

Officers and inmates at more than a dozen prisons agreed that the crowding had made life riskier than ever.

In makeshift dorms now common around the state, the rows of bunks obstruct sight lines for guards and make inmates and staff more vulnerable to attack. The cramped spaces, plus toilets that frequently fail and long waits for visits, medical appointments, canteen purchases and meals, increase the likelihood of fights.

Officers said some inmates, desperate for privacy and fearful of assaults, violated rules in hopes that a disciplinary citation would get them moved from an open dorm into a cell. So it goes at Mule Creek State Prison, where inmate lounges once used for watching TV and playing board games now hold beds for 40 convicts. Throughout the system, about 10,000 prisoners are now in what officials call "ugly beds" — those jammed into recreation rooms, hallways and other places not designed as living quarters.

"It's more work and more tension," said Lt. George King at Mule Creek, in the Sierra foothill town of Ione about 45 miles southeast of Sacramento. Inmates feel fearful in the temporary dorms, he said, and routinely have their possessions stolen.

Increased idleness compounds the problem. Without gyms and day rooms for recreation, without enough jobs and educational and vocational classes, inmates have little to do. Under those conditions, convicts are more apt to brew the crude alcoholic concoction known as Pruno, typically made from leftover fruit juice and bread.

One prison sergeant, Bruce Carter, said there was "an extreme upswing in violence" because of alcohol consumption: "They are bored stiff," added Carter, the supervisors' union president at Wasco State Prison, near Bakersfield. "They have nothing to do but wait for Pruno to ferment, and drink."

At corrections headquarters in Sacramento, officials said they had seen no statistical correlation between crowding and violence. But in February, the state's nonpartisan legislative analyst's office reported that the rate of inmate "incidents," including assaults, had risen 18% from 1997 to 2003 — a period of significant population growth.

Officers who walk the beat note that other confrontations go unreported. And they say crowding may have at least indirectly contributed to the slaying in January of correctional officer Manuel Gonzalez. The father of six was stabbed to death by an inmate whose mental health troubles and violent background would normally have landed him in a high-security housing unit. Instead, officials said, he had remained in a reception center because his condition and long list of prison enemies made him difficult to place.

Corrections officials said overcrowding was not a factor in the slaying — the first of a guard in two decades. Still, experts note that when prisons are packed, their managers have limited options.

"The problem with overcrowding is that you lose flexibility in how you house inmates," said Steve Martin, former second in command of the Texas prison system and now a corrections consultant.

Fire poses another danger when prisons bulge well beyond their design capacity, as is the case with every penitentiary in California. Many inmates smoke, though it is a rules violation, or light wicks of toilet paper to conceal noxious smells in their cell toilets. And most pack their living space with reading material and possess their own televisions, fans or other appliances. The more prisoners, the more opportunities for fire. Although there are smoke alarms and sprinklers, everyone lives behind locked doors and bars that make evacuation more difficult.

At San Quentin along the San Francisco Bay shore, ground-floor corridors used as emergency exits are sometimes crammed with bunk beds, records at the state fire marshal's office show. The crowding became so severe in August that officials obtained permission to temporarily house 44 inmates in a visitor room, 30 in two classrooms and 10 in the prison chapel, records show. A staff member served as a "fire watch."

The fire marshal routinely approves such prison requests: "How are you going to tell them no?" asked Hugh Council of the state fire marshal's northern region. "They have to put them someplace."

In fall 2003, relief seemed to be in sight, as prison analysts predicted a major population decline right around the corner. Instead, it grew at a steady clip. Officials said the number of inmates sent to prison for new crimes increased 8.8% last year, to almost 43,000.

At the same time, the Schwarzenegger administration's new approach to handling parole violators — diverting those guilty of minor slip-ups into alternative programs, instead of returning them to prison — stalled. Nonviolent parolees were to be diverted to halfway houses, equipped with electronic ankle monitors or enrolled in drug treatment programs. But the reforms were set back by contracting squabbles, labor negotiations and delays in obtaining the electronic monitors.

As a result, far more violators wound up in cells than had been expected.

"The reality is, we were overly optimistic in our estimates," James L'Etoile, the corrections official in charge of parole, said recently at a state Senate hearing on the stumbling reform effort.

Other forces are driving overcrowding as well. Corrections officials said some counties were moving convicts into state custody more quickly than before, to ease population pressures on jails. During certain weeks last year, for example, Los Angeles County — supplier of more than one-third of the new prison inmates — sent 14 busloads of prisoners to state lockups, almost double the normal number.

Determined to reform the correctional system, Schwarzenegger has pledged to dramatically expand education, counseling and job-training programs inside prisons. The governor has said he believes "corrections should correct," arguing that society suffers when parolees leave state custody unprepared for life on the outside. California leads the nation — by far — in the proportion of ex-convicts who falter and land back behind bars.

But with the prisons so packed and the state's finances so grim, Schwarzenegger's proposed budget for the coming fiscal year actually includes a \$95-million cut to the very sort of inmate programs he wants to expand.

"It's great to hear talk of rehabilitation making a comeback, but there's just no way it will come true when the numbers are so huge," said Barry Krisberg, president of the Oakland-based National Council on Crime and Delinquency. "Our prison system has become this giant Frankenstein monster. It has to be brought under control for real change to occur."

George Deukmejian, the law-and-order Republican who authorized a vast expansion of the prison system as governor, voiced a similar view in a 2004 report. After leading an exhaustive investigation of California corrections at Schwarzenegger's behest, Deukmejian and his team concluded: "The key to reforming the system lies in reducing the numbers."

Despite those findings, California won't be closing prisons any time soon. Prisons director Jeanne Woodford, appointed by the governor last year, said she wanted to "take down those ugly beds" and free up day rooms, gyms and funds for inmate programs.

But the population numbers aren't cooperating. As a result, 215 beds became available in February under a contract renewed with a private prison that was closed at the end of 2003. And July 1, on a flat patch of brown earth in Kern County, the state will open a \$380-million prison for 5,000 inmates known as Delano II, the 33rd prison in the system.

Some inmates are sounding the alarm about the jampacked conditions. At Solano, an active tuberculosis case last year — followed by tests showing that numerous other inmates were positive for the disease — prompted a protest by convicts who said overcrowding was increasing their exposure to communicable diseases.

More than 1,100 inmates signed petitions demanding a population cap, claiming that the crowded conditions were cruel and unusual punishment and thus unconstitutional.

Officials said they followed proper protocols in handling the TB outbreak and rejected the convicts' claims of a constitutional violation.

Prison law specialists were not surprised. Overcrowding may be uncomfortable, unfair and even dangerous, they said, but it is rarely illegal. The U.S. Supreme Court has found that crowding is unconstitutional only if it inflicts wanton pain or if basic human needs are not being met.

"Prisoners in California are packed in like sardines in a can," said lawyer Steve Fama of the nonprofit Prison Law Office, which has successfully sued the state to improve medical care and other inmate services.

"But the fact is that the courts, and our society, will tolerate a lot."

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California prisons

The nation's largest state prison system by the numbers:

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Sex

Males: 93%

Females: 7%

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Race/ethnicity

Hispanics: 37%

Whites: 29%

Blacks: 29%

Other: 6%

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Annual budget (2004-05): \$6.25 billion

Average yearly cost per inmate: \$30,929

Number of employees: 49,073

Number of state prisons: 32

Number of camps where inmates are trained as wildland firefighters: 40

Number of community correctional facilities: 12

Inmate population, all institutions: 162,276

Average age of inmates: 36

Average sentence, in months: 53

Average time served, in months: 26

Commitment rate per 100,000 California population: 446

Notes: Latest figures available. Percentages may not total 100 due to rounding.

Source: California Department of Corrections