

# Executive Summary

**T**wo dominant state objectives -- ensuring public safety and maintaining fiscal responsibility -- demand that state and local correctional policies are strengthened to control crime more effectively and efficiently.

The State must provide leadership and additional funding so that:

- Arrest warrants are served promptly.
- Punishment alternatives, including county jail, are available for misdemeanor violators speedily.
- Recidivism is drastically reduced.
- Serious felons receive adequate preparation for life on the outside prior to release from prison and adequate supervision after release.
- Drugs are not available to prisoners in state or county jails and drug treatment programs are expanded greatly.
- Adequate prisons beds are available to incarcerate the increasing population of state and local criminals.
- All inmates except the ill and the extremely dangerous must have available 40 hours of work or education per week.

During the Commission's study, these significant facts emerged:

- Approximately 90 percent of all state prisoners are eventually released, more than half of them within two years.
- Two-thirds of incoming inmates are parole violators.
- Twenty-four counties -- which collectively are responsible for 70 percent of jail inmates -- are subject to court-ordered population caps.

More than \$3 billion has been spent doubling the capacity of county jails over the last decade. But jails still are so crowded that every day nearly 900 inmates are released to make room for higher priority prisoners. Another 2.6 million arrest warrants go unserved, largely because there is no place to put those who would be arrested.

The state prison system is equally strained. After a construction boom of historic proportions, the prisons are now more overcrowded than ever before. Preventing riots and escapes and making room for nearly 10,000 additional inmates each year have become the overriding focus.

So much so that adequate attention -- education, drug treatment, jobs skills -- is not given to the more than 50,000 inmates who complete their terms each year. One minute behind electric fences, the next minute at the bus depot. Most of them end up back in prison in a matter of months -- nearly half of them convicted of another crime.

The cost of failure is high. Under recently enacted laws, repeat felons receive longer terms. As a result of the longer sentences, they are considered dangerous and are restricted to costly, high-security prisons -- further committing the State to the most expensive tool in the corrections arsenal.

More importantly, the failure of parolees to reintegrate into society exacts another cost: more crimes and more victims, demonstrating that public safety is ill-served by a corrections strategy that only protects the public when the inmate is in custody and does not prepare the inmate to be a responsible citizen. The State cannot tolerate a system that results in two-thirds of parolees quickly being re-incarcerated.

The state prison crisis cannot be solved in isolation because counties are still responsible for administering a majority of criminal sanctions. Similarly, construction of new facilities alone cannot solve this problem quickly enough, nor at a price the State can afford.

The Little Hoover Commission believes that reforms should occur in three areas:

- ***Create an Integrated System.*** California's correctional agencies must think, plan and act as a coordinated system -- county and state, youth and adult. The correctional system of the future must be constantly evaluating and expanding those strategies that work wherever they are best suited.
- ***Maximize Existing Facilities.*** Existing facilities could hold more serious felons if low-level offenders were more effectively sanctioned at the county level by local authorities and if more parolees were successfully reintegrated into society.
- ***Expand Facilities Through Competitive Procedures.*** Future facilities should be acquired through a competitive process that allows private and public agencies to submit proposals, and requires contractors to provide services known to reduce recidivism.

The 21 new prisons built in California over the last 15 years are models of physical efficiency -- by the measure of holding large numbers of inmates with few escapes. But fiscal prudence and public safety require that the next generation of prisons function in a way that also reduces crime among felons who are released.

The Commission's recommendations are intended to support Three Strikes and other sentencing enhancements enacted in recent years by ensuring there always is room in state prisons for the worst of the worst.

The best way to curb prison costs also is the best way to increase public safety -- by assertively using the most effective tools available with every inmate practical to prevent criminals from re-offending once released.

After 10 months of research and analysis, with the cooperation of the agencies involved and with the assistance of professional and academic experts from across the nation, the Commission has reached the following findings and recommendations:

## ***Systematic Overcrowding***

**Finding 1: County jails and state prisons do not have adequate space to house inmates and adequate plans do not exist to deal with the crisis.**

California has a bifurcated structure for administering criminal sanctions that does not allow the best combinations of punishments and rehabilitative tools to be used to prevent the escalation of crime and the recycling of inmates. Instead of an integrated strategy for effectively dealing with sentenced criminals, the State has a political patchwork quilt that too often results in nonviolent and non-serious criminals receiving by default the most expensive sanction -- state prison.

***Recommendation 1: The Governor and the Legislature should enact legislation creating a venue and a process for developing, evaluating, refining and funding a statewide corrections strategy that protects the public in the most cost-effective way possible.***

- **The strategy should be based on a master plan.** The plan should be developed by a permanent panel representing the array of societal interests. The panel's responsibilities would begin with the development of a master plan and continue with ongoing assessments and refinements. The plan should be developed by the Board of Corrections, provided the board's composition is modified to include appointments by the legislative leadership and representation from the judiciary, and from rural and urban counties.
- **The master plan should specify the roles of various agencies, identify desired outcomes and recommend funding priorities.** The master plan should serve as a guide to the Legislature and the Governor to the most cost-effective approaches to protecting public safety. It should review the entire correctional spectrum, beginning with the backlog of 2.6 million unserved warrants. In particular, the master plan should define the role and goals for community corrections, supervised releases and state prisons. The master plan should be presented to the Governor and the Legislature for enactment in statute and implementation through annual budget development.
- **The master planning agency should review existing sentencing strategies.** In order to implement the most cost-effective public safety solutions contained in the master plan it may be necessary to change individual sentencing statutes. The master planning agency should recommend those potential statutory changes to the Legislature.

## *Maximizing Existing Facilities*

### **Finding 2: Intermediate sanctions are not being adequately considered for nonviolent drug and property offenders.**

More than half of the offenders sent to state prison are sentenced for nonviolent crimes. Among these are inmates convicted of petty theft, forgery, fraud and other property offenses. About one-quarter of all incoming prisoners are sentenced for drug crimes. Two new considerations have revived interest in community-based sanctions: a growing prison population that has prompted experts to look at more cost-effective alternatives, and research that has more clearly defined which sanctions other than prison work more effectively with certain types of offenders.

***Recommendation 2: The Governor and the Legislature should enact legislation funding community-based punishments that improve public safety over the long term by reducing recidivism and that minimize the short-term added risks to the public when compared with incarceration in state prison.***

- **The State should establish a competitive mechanism to fund community-based punishment plans.** California has used Challenge Grants to fund local programs for dealing with juvenile offenders. The same competitive mechanism should be expanded to implement strategies known to reduce recidivism that were proposed by counties under the 1994 Community-based Punishment Act.
- **The State should expand drug courts.** The Governor should direct the California Judicial Council to take the lead in obtaining and allocating federal funds for drug courts, developing drug court standards and coordinating with local jurisdictions to establish drug courts. The State should fund courts that are not adequately funded with federal money.
- **The State should fund pilot probation subsidy programs.** The State's probation subsidy program of the 1970s was a source for cost-effective innovations. Restoring the project, if only by funding pilot programs, could help the State resolve some of the challenges that are not being adequately addressed by state agencies -- such as dealing with mentally retarded criminals who are often blended in with the regular prison population.

**Finding 3: The State is not providing enough education, treatment and job training to prepare inmates to become responsible citizens once they return to the community.**

Most inmates do not have jobs in prison that develop skills transferrable to the marketplace. Fewer inmates receive needed education. Fewer still receive effective drug treatment. Certain inmates will not respond to anything. But substantial evidence -- including some developed in California prisons -- shows that certain programs can significantly reduce recidivism. Expanded and improved, these programs could be confidently expected to reduce crime and the demand for additional prisons.

***Recommendation 3: The Governor and the Legislature should enact legislation providing prison inmates and parolees with the programs and services, such as drug treatment and cognitive skills programs, that are known to reduce recidivism in a cost-effective manner.***

- **Sentenced criminals should receive assessments, treatment and aftercare.** The state courts should order assessments to be conducted to determine what kinds of treatment and educational opportunities are likely to be effective with individual felons. The assessments should be used by the Department of Corrections and county correctional officials when making placement decisions.
- **Work programs should be expanded.** The State should expand work programs to involve all eligible inmates, and in particular those programs that increase prison self-sufficiency and give inmates the experience needed to increase their employability upon release.
- **The prison-based drug treatment should be greatly expanded.** Certain high-level offenders should be targeted for therapeutic community drug treatment in prison and aftercare programs following their release. Cognitive skills programs should be established for low-level and medium-level offenders. Because the greatest limiting factor will be the availability of trained staff, the State should fund staff training programs.
- **The State should create reintegration centers.** While CDC has specialized reception centers that transition inmates into prison, it has no similar facilities to prepare inmates for successful reintegration into society. The State could convert existing facilities, or contract for additional facilities that provide for up to six months of intensive pre-release preparation. Similarly, the State should expand the existing work furlough program.

examining all of the alternatives and developing the most cost-effective facility plan.

***Recommendation 4: The Governor and the Legislature should require the modified Board of Corrections to develop plans for additional correctional facilities.***

- **A modified Board of Corrections should be the planning body.** The responsibility should be placed with a panel comprised of gubernatorial and legislative appointments, one that represents a wide variety of interests. It should hold public meetings to gather information and consider alternative ways to incarcerate felons.
- **The board should develop plans for cost-effectively accommodating the entire projected state and local inmate population.** An initial step to developing a facilities plan should be a review of the classification system to ensure the State is not over classifying inmates and as a result building too many high-security prisons.
- **The facility plan should provide for competitive procurement of additional facilities.** The facility plan should whenever feasible provide for the acquisition of services -- including the construction and operation of prisons -- through competitive procedures that allow for proposals by the Department of Corrections, local government agencies, non-profit groups, for-profit companies, or partnerships among those organizations.
- **The plans should be submitted to the Governor and the Legislature for enactment and funding.**
- **The board should help to identify and resolve issues associated with siting correctional facilities.** Among the issues the panel should consider are the impacts on school systems and local infrastructure, as well as ways the staff and inmates of facilities can become greater assets to host communities.

**Finding 5: The State does not have an adequate process for determining when to contract for correctional services, or for evaluating or compensating service providers based on performance.**

Privatization is not by itself the solution to the State's growing prison-related costs or the ineffectiveness of its correctional policies. Private

- **The State should expand parolee assistance programs.** CDC recently demonstrated that job placement, counseling and other assistance for parolees can significantly reduce the number who violate their parole and return to prison. These programs are almost immediately cost-effective and should be expanded.
- **The State should develop a separate program for parolee failures.** The State should provide separate facilities with specialized programs for parolees who have shown they are least likely to respond to assistance and most likely to re-offend.
- **All programs should be rigorously and independently evaluated.** Innovation will be needed to implement the best methods for reducing recidivism. Even programs modeled after proven successes can fail. To establish public confidence and ensure cost-effectiveness, all educational, vocational and drug treatment programs should be independently evaluated.
- **The State should re-evaluate the organizational structure of parole supervision.** Through the master planning process, the State should explore the potential for providing parole services outside of CDC. Among the options would be contracting parole services to county probation departments or to private organizations to provide a full array of services.
- **The State should establish a zero tolerance policy of drugs in prison.** Prisoners and prison officials candidly concede that the prison drug trade is flourishing. While some efforts are being made to curtail drug use in prison, the State and counties should escalate this effort, including the use of surprise drug tests.

## ***Performance-Based Expansion***

**Finding 4: The State lacks an adequate process for assessing the needs and options for housing, training and treating felons sentenced to state prison.**

During the recent prison boom, the State developed a process for designing and constructing new facilities that leveraged the efficiencies of the private sector to construct large public facilities while providing for legislative oversight. Ironically, the process is now being dismantled because of the eroding political consensus for additional prisons. What the State lacks is an open process and an independent venue for



enterprises, however, do have the capacity to provide some services better and cheaper than public agencies alone. The State already does considerable contracting for correctional services, but there is significant criticism about some of its contracting procedures. National reviews of public contracting show that the most successful efforts rely upon independent agencies to identify public costs, oversee competitive procedures and evaluate service providers.

***Recommendation 5: The Governor and the Legislature should enact legislation establishing a vehicle within the Youth and Adult Correctional Agency for soliciting proposals, negotiating contracts and evaluating the performance of contractors.***

- **The Board of Corrections should be the procurement agent.** The entity should review and renegotiate existing contracts to require evaluations, establish minimum standards and link compensation to performance. Outcome measures should include as equal priorities the safety of the institution and the ability of released inmates to successfully reintegrate into society. The evaluations and outcome measures should be shared with the master planning entity and the Legislature to help inform policy debates about how to best increase public safety.

**Finding 6: The State faces an immediate prison overcrowding crisis that cannot be resolved through the existing state process for developing and operating prisons.**

The Department of Corrections estimates that in mid-2000 the State will run out of places for additional inmates in existing facilities. Furthermore, even if the Legislature were to authorize immediately the construction of a new prison, the department says the new prison could not be designed and constructed by that date. Earlier recommendations, such as an expansion of community-based and intermediate sanctions, might reduce the demand for additional prison beds. Still, additional beds will be needed. The needed beds could be provided quicker -- and likely for lower costs -- through a competitive process that allows for private companies, public agencies or partnerships among them. To reduce demand for prison space over time, those contracts should require that inmates receive the variety of services that are known to reduce recidivism.

***Recommendation 6: After giving consideration to the treatment and reintegration programs advocated in previous recommendations, the Governor and the Legislature should***

*ensure there are enough state and county facilities to accommodate growth in the inmate population through the year 2003. The facilities should be acquired through a competitive process. To maximize public safety, contractors should be required to meet minimum operational standards and provide to all inmates the services that have been documented to help inmates successfully reintegrate into society.*

- **The Board of Corrections should administer the contracts, which should require providers to assess the corrective needs of inmates and provide the vocational, educational and therapeutic services that have been shown to reduce recidivism.** As quickly as the State develops the expertise, the contracts should be amended to include financial incentives based on the safe operation of the facilities and the recidivism of released inmates.
  
- **The Board of Corrections should make an early release assessment.** The board should review the current prison population and recommend to the Governor and the Legislature a plan detailing which types of inmates should be released in the event that a population cap is imposed by the courts. The plan should seek to minimize the risk to public safety by identifying groups of inmates who are least likely to engage in violent or serious crimes if released. The plan should include ways those inmates could receive intensive supervision and services known to reduce the chances that they would commit another crime.

**ATTACHMENTS:** The following two charts, excerpted from the Background of this report, display the significant characteristics of California's overloaded correctional system.

- **Disposition of Adult Felony Arrests 1996.** Because of data collection methods, it is unknown precisely how many felony convictions result in sentences to state prison. Nevertheless, the chart displays the outcomes for those arrested and charged with felonies, including those resulting in a misdemeanor convictions.
  
- **California's Jails and Prisons: Millions Involved.** The second chart displays the numbers of people involved in various aspects of the local and state correctional system -- from the 2.6 million unserved warrants to the 60,000 parolees who are returned to prison each year.

# Disposition of Adult Felony Arrests 1996

**Adult Felony Arrests 285,038 (100%)**

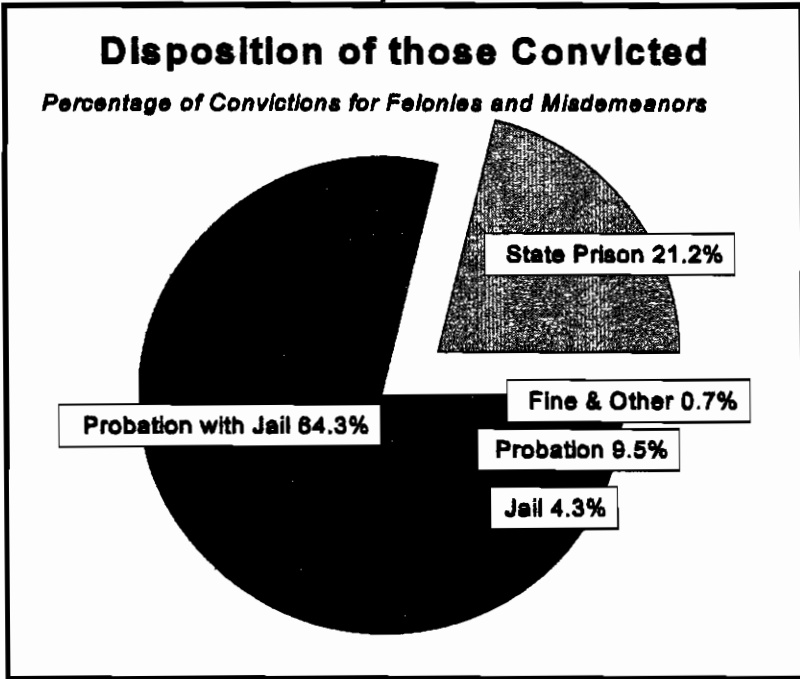
*Law enforcement releases 10,488 (3.7%)*

*Complaints denied 37,521 (13.2%)*

**Complaints Filed 237,029 (83.1% of arrests)**  
*Includes 89,516 complaints filed as misdemeanors*

*Not convicted 39,720 (13.9%)*

**Convictions 197,309 (69.2% of arrests)**  
*Includes those convicted of misdemeanors*



Source: DOJ

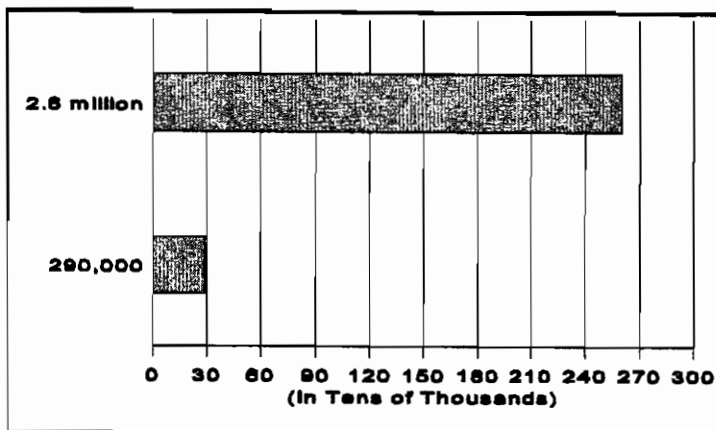


# California's Jails and Prisons: Millions Involved

## Booking and Probation

Number of outstanding arrest warrants, many of which go unserved for lack of jail space:

Number of criminals on county probation:

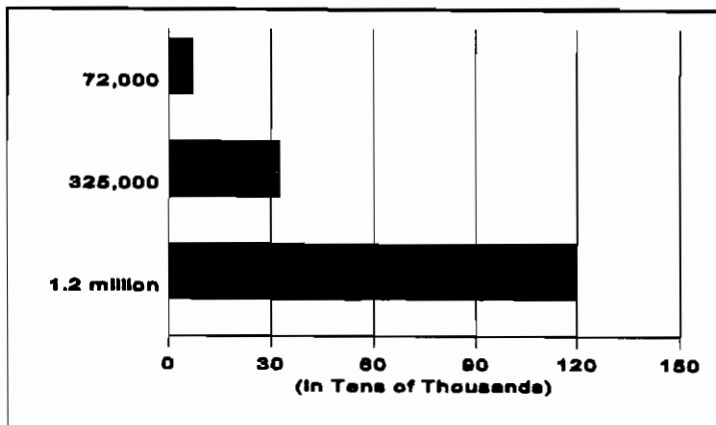


## County Jail Population

Average daily population of county jails:

Number of county inmates released early each year because of overcrowding:

Number of annual bookings into county jails:

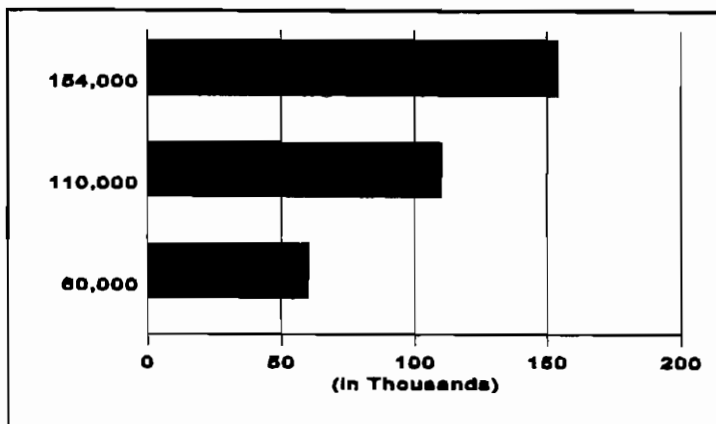


## State Prison Population

Number of felons in state prison:

Number of inmates released annually on parole:

Number of parolees returning annually to prison:



Source: Board of Corrections, California Department of Corrections, Department of Justice