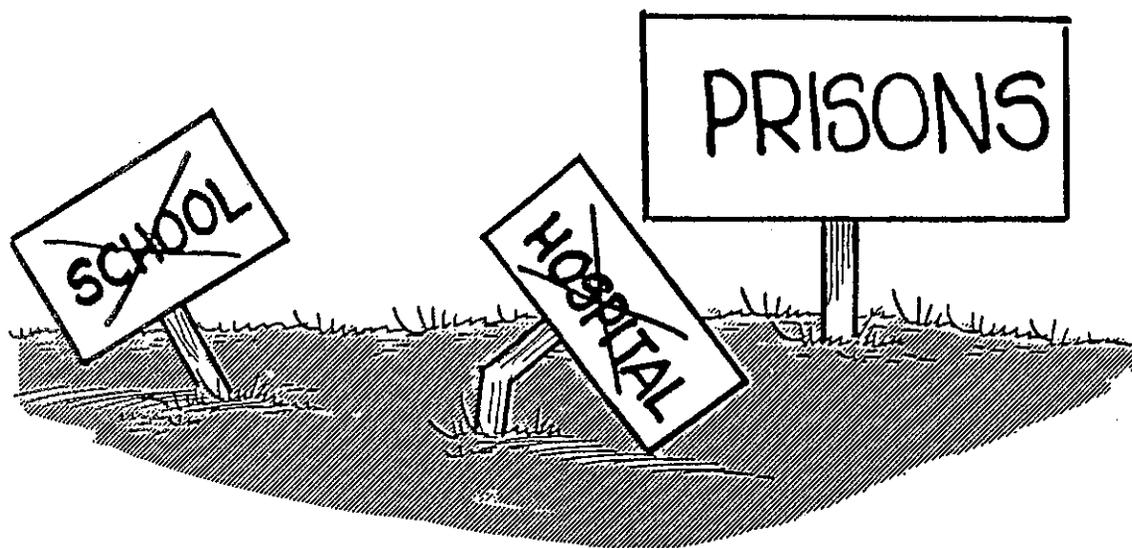


**CONCRETE AND CROWDS:  
100,000 PRISONERS  
OF THE STATE**

WHAT'S WRONG WITH  
THIS PICTURE ?...



The Center on Juvenile and Criminal Justice

May 1991

## **Concrete and Crowds: 100,000 Prisoners of the State**

### **Introduction**

The prisonization of America has become a grim fact of life. As political rhetoric stirs up fear and hysteria about violent crime and dangerous streets, the government responds with the usual panacea - more prisons. And not just more prisons, but more - many more - inmates. We fill our prison cells faster than we build them. The criminal justice system is engaged in a "feeding frenzy," as the prison bureaucracy frantically tries to build itself out of its own mistakes. As a result, the United States now has the highest known rate of incarceration in the world, surpassing former top jailers South Africa and the Soviet Union. <sup>1</sup>

The situation in California is even worse. If one were to consider California as a separate nation, its incarceration rate would exceed that of the United States, making it the leading incarcerator of its citizens in the world. According to the Final Report issued by the California Governor's Blue Ribbon Commission on Inmate Population Management, the number of people in prison has increased fourfold over the past decade with no significant effect upon the crime rate. <sup>2</sup> Despite what Senator Robert Presley called the "largest prison construction program ever attempted by any governmental entity," our institutions are filled to 177% capacity. The failure of this issue to generate public outrage and political action is difficult to understand; animal rights activists decry livestock overcrowding, yet we tolerate it for inmates. Crowding creates a climate inimical to rehabilitation, and contributes to recidivism rates which should embarrass criminal justice officials. Nonetheless, the myth that costly structures of concrete and steel translate smoothly into safer streets continues to direct public policy.

"War on Drugs" demagoguery and political pressures to appear "tough on crime" encourage sensationalism about violent crime run. The reality is that the majority of those in our nation's and state's prisons have been convicted of lower level, non-violent offenses. In 1984, Violent Offenders accounted for 39% of those sent to prison by

California Courts; in 1989 the figure was only 23%.<sup>3</sup> At the same time, our prisons are being filled with soaring numbers of offenders returned for parole violations - an estimated 40,460 in 1990.<sup>4</sup> According to the Department of Corrections, this number exceeds the total returned by parole boards in all other 49 states combined. The costs of this practice are staggering: using an average revocation time of 4.5 months and an average annual cost per prisoner (including debt service) of \$24,800, technical violators cost California over \$375 million dollars in 1990 alone.<sup>5</sup> Assemblyman John Vasconcellos noted in his Review of the Governor's Budget:

An annual revocation rate of 78% raises the question of what purpose our state prison system serves ... by any measure, a system that spends almost \$3 billion a year only to incarcerate most of the same individuals within two years needs major reform.<sup>6</sup>

On April 15, 1991, California's prison population exceeded 100,000, continuing a decade-long trend of reliance upon the costly "warehousing" of offenders. It may serve to put this unsettling statistic in perspective if we remember that in 1989 the California Department of Corrections "graduated" 93,573 inmates, compared to the only 74,366 undergraduates who left the University of California and California State University systems combined last year.<sup>7</sup> The California prison system is about equal in population to either Irvine or Berkeley.<sup>8</sup> As the profile below suggests, California is mistakenly allowing the specters of "glamorous" criminals - the Larry Singletons, Charles Mansons and Charles Rothenbergs - to drive policies which affect petty thieves and parole violators.

### **The Project**

On April 15, 1991, the California Department of Corrections announced that the prison population had exceeded the 100,000 mark. As an occasion for reflection and analysis, the Center on Juvenile and Criminal Justice has constructed a profile of the prototypical 100,000th inmate.

In addition, we have attempted to track the cost of incarcerating, supervising and controlling this prisoner. This provides a picture of the true costs of interpreting "tough on crime" as "lock 'em up."

The following is a profile of our 100,000th prisoner. Overall, he contrasts starkly to the stereotypical criminal epitomized by Willie Horton: A young man of color, uneducated, and substance-abusing, our 100,000th inmate is notable more for the desperation of his circumstances than the heinousness of his acts. In fact, although we spent over \$42,000 on his incarceration, supervision, revocation and reincarceration, the prisoner's original offense was a property crime, such as larceny-theft, 75% of which involve a loss of under \$400. <sup>9</sup> Perhaps most surprising is that this prisoner was sent to the Department of Corrections not by a Judge and not with a new conviction, but by the Board of Prison Terms for a parole violation. We will spend an exorbitant amount of money imposing a term of supposedly rehabilitative inactivity upon this man, yet at no point in the process can he expect to receive drug treatment, education or job skills. As a result, he will return to us arguably more likely to reoffend than when he entered prison.

### **The 100,000th Prisoner**

- There is a 92% chance that the 100,000th prisoner is male. <sup>10</sup>
- He will most likely be in his twenties. Only twelve percent of new inmates are over 40. <sup>11</sup>
- There is a 70% chance he will be non-white. <sup>12</sup>

- There is a 4 in 10 chance he is from Los Angeles County, and only a 2 in 1,000 chance he is from Marin or Mendocino. <sup>13</sup>
- The odds are over 3 in 4 that he is a graduate of either the California Youth Authority, Jail or Prison. <sup>14</sup>
- There is nearly an 80% chance he has a substance abuse history; and an over 70% chance he was under the influence of an illegal drug other than marijuana at the time of his arrest. Still, there is only 3 in 100 chance he will receive any drug counseling, while in prison despite the fact that felony drug arrests have tripled since 1980. <sup>15</sup>
- He reads at the sixth grade level, yet only one in twelve inmates receive academic or vocational education. And although unemployment is one of the main factors determining recidivism, his prison life will most likely be characterized by idleness, or minimal work at a prison job imparting few if any skills useful on the outside. <sup>16</sup>
- He was initially convicted for a Property Offense. The odds are 7 in 10 that he was convicted for a non-violent offense. <sup>17</sup>
- His case was disposed through a guilty plea <sup>18</sup>
- He initially served 14 months and 10 days in prison, after 135 days in pre-trial detention <sup>19</sup>
- He was paroled to Southern California, most likely Los Angeles. He received no pre-release programming and no job search counseling. <sup>20</sup>

- 6 months later, his parole status was revoked for a technical violation of the general conditions of parole, such as a failure to report to his parole officer. **He was not convicted of a new crime.** He was given 5 additional months in revocation time by the Board of Prison Terms. He will probably serve three. It is for this act - or failure to act - that he is currently detained. 21

**Costs**

Using public data, CJCJ was able to compute the cost of holding, incarcerating, supervising and eventually revoking the parole of the hypothetical 100,000th prisoner. We have not included the costs of this process for the inmate's prior or juvenile offenses, if any.

Pre-Sentence Detention	\$5,265.00	22
Incarceration	\$29,553.00	23
Parole Supervision	\$1,658.00	24
Parole Revocation	\$213.00	25
Revocation Time in Prison	\$6,200.00	26
<b>TOTAL:</b>	<b>\$42,889.00</b>	

CJCJ notes the following cost figures in comparison:

<b>COST OF INTENSIVE PAROLE SUPERVISION</b>	<b>\$4,175.00</b>	28
<b>TOTAL COST OF A YEAR AT CALIFORNIA STATE UNIVERSITY</b>	<b>\$7,500.00</b>	29

We can therefore expect California's 100,000th state prisoner to cost **at least** \$42,889. In comparison, 75% of larceny-theft crimes in California involved a loss of

under \$400.<sup>30</sup> Moreover, the resultant "total" cost figure does not and cannot claim to be comprehensive. The Corrections Industry, like any other, is burdened with indirect and hidden costs, including capital, fringe benefits, workers' compensation, external oversight, liability, property insurance, transportation and interagency personnel.<sup>31</sup> Furthermore, the cost figure presented does not include the system costs of apprehending, arresting, prosecuting and adjudicating the 100,000th prisoner. It comes, then, as no surprise that according to the National Council on Crime and Delinquency, we spend an estimated \$50 billion on criminal justice, while actual crime losses are \$10 billion.<sup>32</sup>

Given the C.D.C.'s recidivism rate, the lack of effective pre-release programming, the paucity of vocational training and educational opportunities for ex-convicts, we can expect the bill to increase; California's inmates are running up a tab. We are caught in a vicious cycle: prison bonds don't buy public safety, but overcrowding contributes to criminal recidivism. Unless policy changes are enacted, and fundamental realities are confronted, we can expect, in the not-so-distant future, an even larger check when we lock up our 200,000th inmate.

### Comment

Our dependence on incarceration as a sanction has an undeniably negative effect upon our society. Our criminal sanctions may themselves be criminogenic, as recidivism and parole failure rates suggest. According to the California Department of Corrections, 63% of released inmates recidivate within two years.<sup>33</sup> On the fiscal side, California's prisons absorb ever-increasing sums of money, which could be better spent on preventative, educational and rehabilitative programs. In a year of drastic budget cuts, spending scarce public dollars to return technical violators to prison is indefensible. The University of California and California State University systems face possible campus closures and budget cuts of \$255 million this fiscal year. Welfare aid to families with dependant children has been cut by \$225 million. As a result, a mother with two small children can now expect only \$631 dollars a month in AFDC money with which to eat, pay rent and clothe herself and her children, while we will spend over \$2,000 a month on our 100,000th prisoner. At \$26,000 a year, the Richmond School District could hire two teachers for the cost of one prison guard. Meanwhile, \$6.2 billion in bond issues for new prison, jail and

juvenile facility construction were approved during the 1980's, and the proposed Corrections Budget for 1991 was \$2.6 billion, a 13.2% increase. By 1996 expenditures are projected to have increased 820% from 1982. <sup>34</sup>

California is lowering the hammer of incarceration more frequently and with less provocation. An especially disturbing feature of this trend is the overrepresentation of young men of color within the criminal justice system, resulting in what criminologist Dr. John Irwin, has dubbed "Californiapartheid." The Sentencing Project released a study last year which found that approximately one in four black males between the ages of 20 and 29 were under criminal justice control, a rate quadruple that of South Africa. <sup>35</sup> As alarming as this is, in California the situation is even worse. In October, 1990 the San Francisco Office of the National Center on Institutions and Alternatives published a study which found that approximately one in three (33.2%) young black males in California were either in prison, in jail, on probation or on parole. <sup>36</sup>

This information is cause for alarm, for both citizens and policy-makers. As a society, we are forcing a most unpleasant "Catch-22" upon the underclass - they can expect little in the way of education and health and welfare services, and if socio-economic deprivation and lack of opportunity should lead to crime, they can expect little by way of rehabilitation. It has been said that the mark of a good society is how it treats its least fortunate. California's performance in this regard suggests an urgent need to re-assess and reform its criminal justice policies.

### **Recommendations**

The California Department of Corrections is spending huge amounts of money administering and expanding a system which does not work. The system fails to rehabilitate those it incarcerates and in many ways breeds its future "clients". The siphoning off of monies which could be put into Welfare, Education, Health and Prevention, the unacceptably disproportionate impact of the prison system upon young black men, the over-reliance on unproductive incarcerative warehousing and the lack of

programming are issues which policy-makers must address. The unfortunate tendency of criminal justice discussions to degenerate into "Willie Horton" or "tough on crime" rhetoric must not be permitted to distract public attention from the state of our justice system nor to confuse hyperbolic cases with factual "everyday" offender statistics. The "tough" attitude of California administrations during the past decade has effectively been mere posturing, but expensive and harmful nonetheless. The problems of prison overcrowding, recidivism, crime rates, drug abuse and public unease remain, despite more arrests, more prisons, and more money wasted. The following recommendations, some general and some specific, are intended to begin a process of dialogue and action which must expand.

- A moratorium on both the passage of legislation that would add to the prison population and on new prison construction.
- Passage of a comprehensive Community Corrections Act designed to fund a wide array of community correctional programs by utilizing funds that would otherwise be used to construct and fund prisons and jails.
- Comprehensive Sentencing Reform, aimed at reducing the numbers of those serving unnecessary time in prison for minor and non-violent offenses.
- The reallocation of priorities in the state budget process so that Corrections ceases to consume its ever-increasing portion of the General Fund at the expense of Education, Health and Welfare. As the Blue Ribbon Commission on Inmate Population Management noted, dollars spent on the prevention of crime hold the greatest promise for making all Californians safer.
- Initiation of a pre-release program that would offer a good time bonus upon successful completion. Such programs would impact favorably upon a prisoner's successful reacclimation to society by providing much-needed programming, and would pay for itself by reducing the inmate population.

- Expansion of Furlough and Drug Treatment Programs. Within the Department's current master plan, we need to expand the use of furlough/half-way house programs and drug treatment programs for the final six months of a prisoner's term.
- Immediate and significant reductions in the number of parole violators returned to prison by diverting non-violent offenders and funding a continuum of revocation alternatives such as drug treatment, intensive parole supervision, job development and housing options.
- Establish a special commission to examine the high and disproportionate rate of incarceration for African-American and Latino Males.

### **Conclusion**

The priorities expressed in California's fiscal and social policies are skewed. By cutting funds for Health, Education and Welfare to warehouse non-violent lesser offenders in overcrowded prisons, we are effectively committing ourselves to higher crime in the future. The problems of California's underclass act in twisted concert, feeding off of each other. Crime is one indication that opportunity and hope are lacking; education and human services, more than prisons, are needed to supply this hope. As California's prison population tops 100,000, we urge policy makers to reflect upon the high costs and negative results of our reliance upon jails. The "war on crime" will be better fought if translated into a "war on ignorance" and a "war on poverty." It's time to stop talking tough, and to start getting smart on crime.

Notes

- <sup>1</sup> Marc Mauer. Americans Behind Bars: A Comparison of International Rates of Incarceration, The Sentencing Project, January, 1991.
- <sup>2</sup> Blue Ribbon Commission on Inmate Population Management, Final Report. January, 1990. pp. 35-36.
- <sup>3</sup> California Department of Corrections, Offender Information Services Branch. California Prisoners and Parolees 1989, 1990. p. 110, 117.
- <sup>4</sup> C.D.C., Offender Information Services Branch. Figure represents official estimate.
- <sup>5</sup> *ibid.* Annual Cost includes estimated debt service cost per inmate.
- <sup>6</sup> Assembly Ways and Means Committee, Initial Review of the Governor's Proposed 1991-92 California State Budget. January, 1991. p. 52.
- <sup>7</sup> C.D.C., California Prisoners and Parolees 1989 , p. 97; University of California, Office of the President; California State University, Chancellor's Office.
- <sup>8</sup> California Department of Finance, Demographic Census Research Data Center. Irvine and Berkeley have populations between 100,000 and 110,000.
- <sup>9</sup> California Department of Justice, Bureau of Criminal Statistics and Special Services, Crime and Delinquency in California, 1980-1989. pp. 18, 204.
- <sup>10</sup> Prisoners and Parolees 1989, pp. 106, 110.
- <sup>11</sup> *ibid.*, p. 113.
- <sup>12</sup> *ibid.*, p. 33, 112, 136.
- <sup>13</sup> *ibid.*, p. 100.
- <sup>14</sup> Blue Ribbon Commission on Inmate Population Management, Final Report. January 1990. p. 44.
- <sup>15</sup> Assembly Ways and Means Committee, Initial Review of the Governor's Proposed 1991-92 California State Budget. January, 1991. p. 53; Blue Ribbon Commission on Inmate Population Management, Final Report. January 1990. pp. 68-69; California Department of Justice, Bureau of Criminal Statistics and Special Services, Crime and Delinquency in California, 1980-1989. pp. 154-157.
- <sup>16</sup> Assembly Ways and Means Committee, Initial Review of the Governor's Proposed 1991-92 California State Budget. January, 1991. p. 54; Blue Ribbon Commission on Inmate Population Management, Final Report. January 1990. p. 5.
- <sup>17</sup> C.D.C., California Prisoners and Parolees 1989. pp. 134-135. Note that these figures are drawn from the profile of California *parolees*, and not inmates. This reflects the fact the prototypical inmate is now incarcerated for a parole violation. Also, see California Department of Justice, Bureau of Criminal Statistics and Special Services, Crime and Delinquency in California, 1980-1989. p. 204.
- <sup>18</sup> Judicial Council of California, Administrative Office of the Courts, Sentencing Practices Quarterly, No. 51, quarter ending 3/31/90. p. 55. In the time period covered, 1,490 1st degree burglary cases were disposed via the guilty plea, compared to only 126

which went to trial.

- 19 California Prisoners and Parolees 1989. pp. 58-59, 144. Based on the average time served in C.D.C. institutions for property offenses. For length of time served, see C.D.C., California Prisoners and Parolees 1989. pp. 58-59, 144. Figure has been reduced to account for good-time and other credits, and represents an estimate based on a ratio of 1/3 days earned per day.
- 20 ibid., p. 56. Blue Ribbon Commission on Inmate Population Management, Final Report. January 1990. pp. 83-88.
- 21 C.D.C., California Prisoners and Parolees 1989. p. 97; Time served figures taken from California Department of Corrections, Parole and Community Services Division's latest estimates.
- 22 California Board of Corrections, Jail Planning and Construction Division, The State of the Jails in California. Report #5: Jail Operating Costs. March, 1990. p. i. Figure based on an average daily cost of \$39.00 per day.
- 23 C.D.C., Offender Information Services Branch. Current estimated annual cost per inmate is \$20,562, to which we have added bond service costs.
- 24 ibid. Current estimated annual cost of supervision per parolee is \$3,553.00. Average time under supervision before revocation is 5.6 months.
- 25 Board of Prison Terms, 1991-92 FY Budget Costs. Figure based on 2.23 hours per hearing at \$95.67 per hour.
- 26 See note 23.
- 27 Assembly Ways and Means Committee, Initial Review of the Governor's Proposed 1991-92 California State Budget. January, 1991. p. 91-92.
- 28 Blue Ribbon Commission on Inmate Population Management, Final Report. January 1990. p. 51
- 29 California State University, Office of the Chancellor. Figure represents an estimate of total cost for full-time, residential enrollment at a C.S.U. campus, including fees.
- 30 California Department of Justice, Bureau of Criminal Statistics and Special Services, Crime and Delinquency in California, 1980-1989. pp. 18, 204..
- 31 Charles H. Logan, Ph.D. and Bill W. McGriff, C.P.A., "Comparing Costs of Public and Private Prisons: A Case Study," NIJ Reports, No. 216, 1989. U.S. Department of Justice. p. 3.
- 32 James Austin, Ph.D. and Marci Brown, Ranking the Nation's Most Punitive and Costly States. The National Council on Crime and Delinquency. July 1989.
- 33 C.D.C., Offender Information Services Branch. Figure based on latest two-year survey, and reflect the performance of prisoners released through 1988.
- 34 Assembly Ways and Means Committee, Initial Review of the Governor's Proposed 1991-92 California State Budget. January, 1991. pp. 47-57.
- 35 Marc Mauer. Young Black Men and the Criminal Justice Commission: A Growing National Problem. The Sentencing Project, February, 1990. p. 2.
- 36 Susan Fry and Vincent Schiraldi. Young African American Men and the Criminal Justice System in California. The National Center on Institutions and Alternatives, October, 1990. p. 2.