

**Prison Overcrowding affects Prisoners as
Much as it affects our Society**

By TC

Law 17/34

Problems with Overcrowding in Prisons

Prison inmates should not be released early just because prisons are overcrowded. **Assembly Bill 109**¹ was signed by Governor Jerry Brown back in October 2011, and this bill is what is now known as Criminal Justice Alignment, or “Public Safety Realignment”. The function of this bill was to shift thousands of inmates from state prisons down to county jails. This new shift has caused a lot of problems within the jail facilities such as elevated levels of violence within the inmates, and more violent outburst between the inmates and the officers working in the facilities. In addition, this overcrowding issues causes higher risks of the inmates contracting any infections or illnesses due to poor hygiene within the cells and common areas. Other states are also having to deal with the overcrowding issues. One example of this was in **Hooper v. MOBILE COUNTY METRO JAIL**²; Hooper had complained about the conditions in the facility, saying they were unlivable and unsanitary. He was transferred by Defendant James from a cell where he had a bed and a little more space to an overcrowded cell where he had to sleep on the floor near the toilet. It is unfortunate that most of our prisons are overcrowded, but it doesn’t seem fair that the state prisons have “washed their hands” of the matter and just pawned these inmates onto county jails. To start with, these jails were built to only house a small amount of inmates, and only for a period of no longer than one year. They also weren’t built to house dangerous high-risk prisoners.

Problems with Releasing Inmates Early

One of the main issue with this realignment bill is that California's prison population cannot be reduced any further without releasing dangerous inmates out into our society. As mentioned in **Crime in America.net**³, violent and property crime rates increased for U.S. residents age 12 or older in 2012. The overall violent crime rate, including rape or sexual assault, robbery, aggravated and simple assault, rose from 22.6 victimizations per 1,000 persons in 2011 to 26.1 in 2012. California has already significantly reduced its prison

¹ CA AB109 – Criminal Justice Alignment, 2011-2012, Ch. 15; www.leginfo.ca.gov

² (2013) U.S. Dist. LEXIS 93232; www.lexis.com

³ <http://www.crimeinamerica.net/crime-rates-united-states/>

population, but the courts have continually said they haven't reduced it enough. Although the state has shifted low-risk inmates to county jails, the more dangerous and violent criminals are the ones left in the prisons. And the more they sentence new criminals to serve their time in state prisons, the more they will shift the dangerous inmates who are already there over to a county jail, and then release them early due to overcrowding. It is not fair that these dangerous individuals will be allowed to roam the streets again with no regard for our safety.

Prisoners Violation of Rights due to Overcrowding

Due to the record number of inmates currently housed in prisons in California, all 33 California Department of Corrections and Rehabilitation prisons are now at or above maximum operational capacity. <http://gov.ca.gov>⁴ Housing such large numbers of inmates in common areas significantly raises the risk of violence which makes it harder to control such a big crowd. In addition to causing harm to people and prison property, overcrowding leads to inmate misconduct and unrest, reduces or completely eliminates state funded programs, and increases relapse into criminal behaviors as shown within this state and in others. Overcrowding also leads to ill inmates not getting the proper medical care and attention that they are in need of **(Brown v. Plata)**⁵.

“For years the medical and mental health care provided by California's prisons has fallen short of minimum constitutional requirements and has failed to meet prisoners' basic health needs. Needless suffering and death have been the well-documented result. Over the whole course of years during which this litigation has been pending, no other remedies have been found to be sufficient. Efforts to remedy the violation have been frustrated by severe overcrowding in California's prison system. Short term gains in the provision of care have been eroded by the long-term effects of severe and pervasive overcrowding.

⁴ <http://gov.ca.gov/news.php?id=4278>

⁵ 131 S. Ct. 1910 - Supreme Court (2011); www.google scholar.com

Overcrowding has overtaken the limited resources of prison staff; imposed demands well beyond the capacity of medical and mental health facilities; and created unsanitary and unsafe conditions that make progress in the provision of care difficult or impossible to achieve. The overcrowding is the "primary cause of the violation of a Federal right," 18 U.S.C. § 3626(a)(3)(E)(i), specifically the severe and unlawful mistreatment of prisoners through grossly inadequate provision of medical and mental health care."

Released Inmates Back in Jail

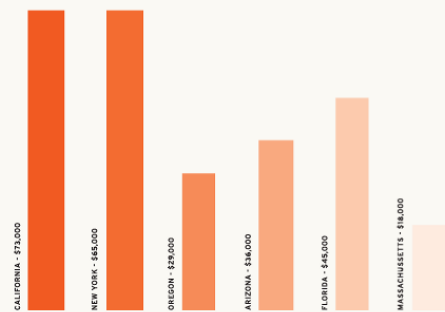
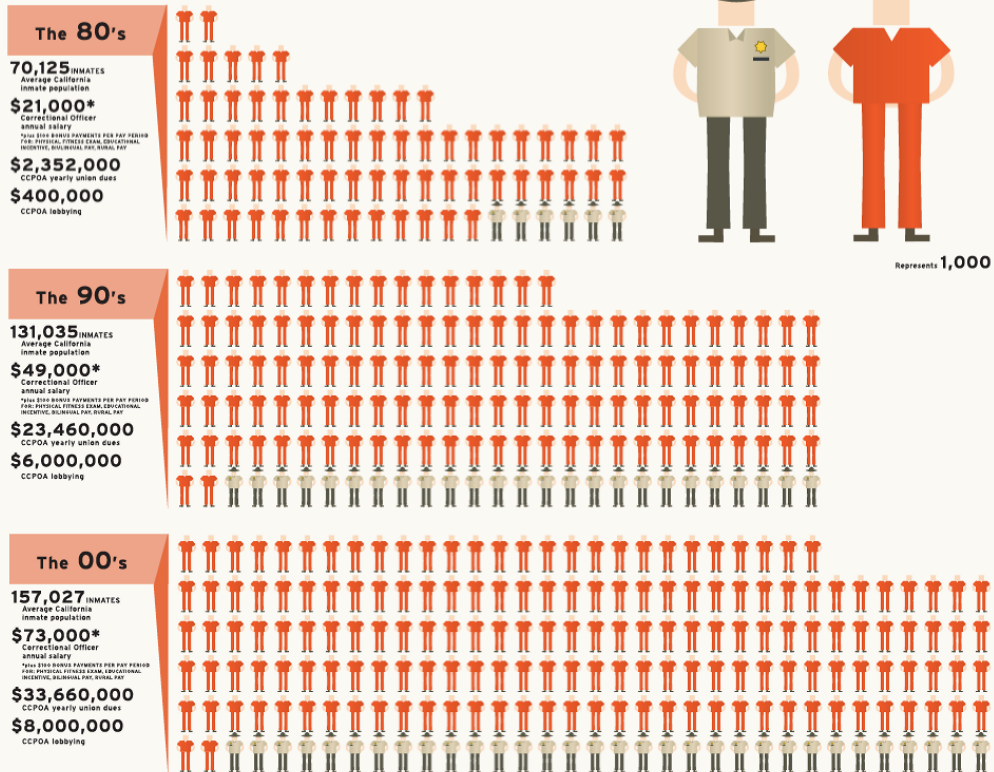
If these prisoners are falling back into criminal behaviors and misconduct while they are in prison under police supervision, who's to say they won't act out even more once they're released? Releasing inmates early is not a good idea because it shows them that they can go out and commit crimes again without fully being held accountable. Not only will this bring crime rates up, but it will lead to these criminals getting caught and put back in the system again, only to be re-released shortly after they've started serving they're sentence. This will lead to a "swinging door" cycle within our prison systems. In **People v. Wilcox**⁶, Defendant Wilcox pleaded guilty to possession of methamphetamines, and was sentenced to five years' formal probation and 120 days in county jail. Wilcox later admitted that he had violated his probation, so the trial court imposed a 16-month state prison term, stayed execution of sentence, and reinstated probation. Wilcox admitted yet another probation violation, and this time the trial court terminated probation and ordered execution of the previously imposed 16-month state prison term. Although the courts sometimes want to give a convicted person the benefit of the doubt, and thus give them a lesser sentence, this almost always backfires because these convicts end up violating their parole or committing other crimes which lead them back in the prison system. And once again, adding to the overcrowding issue.

⁶ 217 Cal. App. 4th 618 - Cal: Court of Appeal, 3rd Appellate Dist. (2013); www.google scholar.com

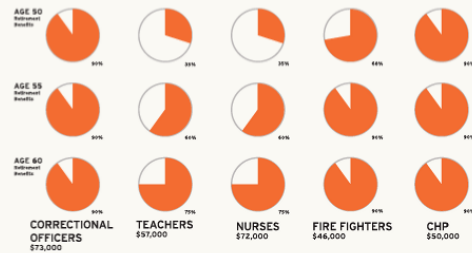
PRISON POPULATION GROWTH

In 2010 correctional officers in California earned \$73,248. Correctional officers salary have increased by 38% since 1980. The increase in correctional officers salaries are reflective of the extreme growth in the prison population. California's correctional officers have a higher salary, retirement package, and sick-leave benefits than correctional officers in other states. About 70% of California's correction's budget goes towards personnel working in the prisons.

"The formula is simple: more prisoners lead to more prisons; more prisons require more guards; more guards means more dues-paying members and fund-raising capability; and fund-raising, of course, translates into political influence."
-Joan Petersilia, Professor at Stanford Law School



Comparing Correctional Officers Salaries in the U.S.



Retirement Benefits for Public Sector Workers

The percentage of working salary that is given as retirement benefits is very different among California's Public Sector workers. At age 50 Correctional Officers immediately receive 90% of their working salary for life while teachers have to wait until age 60 to receive 75% of what their working salary was.

The public should not be put at risk by the government's decision to release these dangerous criminals early. Especially if the inmates they are releasing are mentally unstable, or have been convicted of rape, pedophilia, or murder. These are all crimes that seem to be committed by these people almost as soon as they're released from jail, whether it be because they were released early or because they were only sentenced to probation or parole. The point is that they commit these crimes again because they are not kept locked up, behind bars, and under constant supervision. As stated in **People v. McKee**⁷, "The trial court took judicial notice of two studies conducted by the United States Department of Justice, Office of Justice Programs, and Bureau of Justice Statistics (DOJ). In a 1989 report, the DOJ reviewed the rates of recidivism of prisoners released in 11 states, including California, in 1983 for the three-year period following their release. As the trial court noted, that report concluded sex offenders generally reoffended at a higher rate than homicide offenders, but less often than property crime offenders. Released rapists were 10.5 times more likely to have a subsequent arrest for rape than non-rapists. Also, prisoners released for other sexual assaults were 7.5 times more likely to be arrested for a subsequent sexual assault than prisoners released for offenses other than sexual assault."

Other Options to Handle Overcrowding

At the end of the day, I do not agree with the way the government is handling the prison overcrowding issue. They should really rethink their decision to transfer inmates from state prisons down to county jails, because they will eventually be released early and end up right back in jail. One option would be to stop arresting people for minor things like having marijuana on their person, or drinking in public, etc. Instead, they should impose larger fines in addition to community service for these types of crimes. This will not only make people think twice about committing the crime, but it will also bring more money into the system which the government can then put into good use by building bigger jail facilities which will properly house inmates, and will alleviate the overcrowding issues. They should also only stick to the "three strikes" rule

⁷ 207 Cal. App. 4th 1325 - Cal: Court of Appeal, 4th Appellate Dist., 1st Div. (2012); www.google scholar.com

when someone has committed a serious crime- not something small like jaywalking. If crime rates go up because of these early releases, that means our streets will require more police presence, which there isn't enough of as it is. Requiring more police officers means more taxes that we as citizens will need to pay in order for this to happen.

In 2007, Arnold Schwarzenegger passed **Assembly Bill 900**⁸, which would have added 53,000 new inmate beds, in addition to transferring 8,000 prisoners to other states that had the space to house them. The beds would've been distributed to federal prisons (40,000 beds) and to local jails (13,000 beds). This bill also provided \$7.4 billion for prison infrastructure fixes to accommodate the new inmates. "Even though AB 900 was passed four years ago, the Legislature and Executive Branch did not act aggressively enough to add more bed capacity. Had they done so, it would have significantly helped the state comply with the court order." Governor Brown's realignment plan reduced the funding match required to access AB 900 funds. These funds were meant to assist local agencies to house local inmates and will not be sufficient to house the estimated 52,000 prisoners being redirected to local communities. (<http://arc.asm.ca.gov>)⁹

⁸ CA AB900 - Public Safety and Offender Rehabilitation Services Act of 2007, 2007-2008, Ch. 7; www.leginfo.ca.gov

⁹ <http://arc.asm.ca.gov/cacrimewatch>