

STATE PRISONS' REVOLVING DOOR, 2003-2004, LOS ANGELES TIMES

. Calif. Gov. Arnold Schwarzenegger implemented many of the fixes suggested in the eight parts of this 2003 L.A. Times editorial series; e.g. replacing Corrections Department Director Edward S. Alameida, known as "Dr. No" for his years of resistance to reforms, with our reform candidate San Quentin Warden Jeannie Woodford. But when Gov. S. vetoed a modest prison reform bill in Dec. 2003, I added a dozen more successful parts to the series, which ran through 2004.

• PART ONE: A SIEGE AGAINST SUCCESS

. Forty-year-old Fernando Herrera has cycled in and out of state lockups for theft, drug dealing, robbery and attempted murder since he was 13. A few months ago, he was released from Pelican Bay, a maximum-security prison in Northern California, after completing a sentence for a series of armed robberies. This month, a parole officer visited the storage shed in Riverside where Herrera lives next to his parents' house. The officer listened as Herrera worried aloud: "How can I find a job when I have no car, no skills and a rap sheet that seems to scare everybody away?"

. According to Herrera, the parole officer just shrugged and said, "Don't ask for nothing because we got nothing."

. California incarcerates about 160,000 criminals, nearly seven times more than in 1980. About 125,000 a year are released. Like Herrera, most of them emerge poorly equipped to join society and with little or no law enforcement supervision.

. The predictable result is that 70% of the state's parolees re-offend within 18 months of being released, more than twice the national average. It's not for lack of spending: The state's prison and parole costs, \$409 million in 1980, bloated to \$5.2 billion this year.

. California's failure is rooted in its decision decades ago to pour money into bricks and mortar and not into the community- and prison-based educational, job and counseling programs that in other states keep inmates from returning to prison.

. Warden With Ideas

. A few courageous prison leaders are fighting a culture that resists prisoner rehabilitation. One is Jeannie Woodford, warden of California's oldest prison, San Quentin.

. The tall, spiked gates of Woodford's 432-acre domain just north of San Francisco open onto an unexpectedly handsome sight: Chapel Yard, a flower garden surrounded by cream-colored buildings housing the prison's education, job training and religious programs. With more volunteers than all other public state prisons combined and a warden intent on correcting, not coddling, criminals, this quiet island in "the Q" is as close to a model unit as the state prison system has. But Woodford can afford to give only a tiny fraction of her 5,645 inmates a chance to better themselves.

. More representative of San Quentin is the Main Yard, a grim, gray, hangar-sized space just past a 3-foot-thick stone and concrete wall. Men lean idly on rusty, mildew-coated handrails that lead to places like East Block, home to 445 prisoners awaiting execution.

. Woodford became warden in 1999, after working as a guard since graduating from Sonoma State University in 1978 with a criminology degree. Her goal, she says, is to "help inmates change their lives so that we don't create more victims out there. When you ask people whether prisons should have more programs,

the knee-jerk reaction is no. But when you explain that the purpose is to hold inmates accountable for their behavior, there's a great deal of support."

. Woodford ought to be applauded and emulated. Instead, her efforts and those of other reformers are threatened on at least three fronts:

. * The state has abandoned basic literacy and vocational training programs. Though state law requires prisons to provide literacy programs to the roughly 90,000 of its inmates who lack a high school diploma or a ninth-grade reading level, only a few thousand have access to reading or job training classes. The Federal Bureau of Prisons reports that inmates who attend school are substantially less likely to return after release.

. * Prison work programs are under attack. California established the Prison Industries Authority 15 years ago to help pay for prison operations and rehabilitate inmates. Inmates at 23 California prisons produce goods from flags to firefighters' clothing. The skills being taught are sometimes outdated, but inmates learn work habits and pay taxes, victim restitution, room and board and child support. Unfortunately, some Democrats on the authority's appointed board say the shops should close because they exploit prisoners or threaten union jobs outside. Some conservatives want to shut them because the state, they say, shouldn't help criminals in this way.

. * There is widespread tolerance of drug abuse. About 85% of California's inmates are incarcerated for crimes related to substance abuse. Only 6% of inmates are in drug treatment programs. As one state prison official told The Times, "You get more dope in prison than on the street," often carried in by visitors. Herrera, for instance, says he contracted hepatitis C from drug use in prison. He will need lifelong taxpayer-supported health care. Only a fraction of prisoners are tested for drug use.

. Judging Reforms

. Wardens are not evaluated on whether their convicts re-offend after they are released. As one former prison warden recently told the Little Hoover Commission, a nonpartisan state oversight body, "The only time wardens are held accountable is if a staff member is killed." Woodford is the only prison warden to publicly assert that wardens should be judged at least in part by the success of their inmates in gaining employment and housing and avoiding crime.

. A San Quentin prisoner, a booming-voiced lifer known as Big D, helps Woodford with her youth programs. He probably won't ever leave prison himself, but he is certain that reforms prevent crime: "You can help prisoners elevate and not stagnate. If you don't learn values and responsibility in prison, you just learn how to become a better, more effective criminal."

. Which brings us back to that 70% rate of re-incarceration. It's not often that an agency or business with a two-thirds failure rate goes for decades without public scrutiny. The changes at the top of state government offer an opportunity to see the failures of a rigid, feudal prison system and fix them.

. **• PART TWO: THE GUARDS OWN THE GATES**

. Teppan-yaki feasts, cliff-diving ceremonies at historic Black Rock and mai tais served at a 142-yard swimming pool are some of the festivities awaiting the more than two dozen California state legislators who began arriving today at a Kaanapali Beach resort in Maui for a junket sponsored by California's powerful prison guards union.

. State Sen. Jim Battin (R-La Quinta), who will be paying for the trip from his campaign account, says it's merely "an organized opportunity for legislators to get away in a relaxed and informal atmosphere." This is the

same Jim Battin who has taken \$15,500 in contributions from the union in three years. The evidence is overwhelming that state politicians who have received big money (in addition to pleasant holidays) from the union have done its bidding. Take Senate Republican Leader Jim Brulte (R-Rancho Cucamonga), who attended last year's luau but not this one, perhaps because as a top advisor to Gov. Arnold Schwarzenegger he is too busy to get away. The union has showered Brulte with at least \$114,000 in campaign contributions in the last three years and he is trying to persuade the governor to close the state's last five private prisons -- nonunion shops that the guards union views as a job threat.

- . The guards' domination would not be so disastrous if the union supported the training, counseling and education programs that keep communities safer by reducing inmates' relapse into crime after their release. But the union has fought reforms with a might and unity that few other labor organizations can muster.

- . Last year, for example, then-Gov. Gray Davis, who had received \$3.4 million from the guards union since 1998, persuaded legislators to shutter four of the state's nine private prisons and to cut prison vocational programs. The cuts left more money to raise the average prison guard's salary by 37.2% over three years, to \$73,428 by 2006. That's more than twice the average salary in the next- highest-paying state. The average California teacher salary is about \$54,000. The guards' contract eliminates virtually all restrictions on sick leave; the union also undermined oversight by successfully pressing for a big cut in the inspector general's budget.

- . Now, the union is trying to terminate college and vocational education programs in prisons statewide. Schwarzenegger should question why the state would want to close all of its private prisons when the best of them provide drug treatment, counseling and moral and vocational education for \$55 a day -- a bargain compared with the \$78 a day for just a bed at a minimum-security public prison. Private prisons have had their problems, including a riot last month at the Eagle Mountain men's prison in which two inmates were killed. Yet they provide laboratories for change, for reforms the public prisons shun.

- . The union's usual response to critics is that its members have America's toughest jobs. Their jobs, however, are made tougher by the union's knee-jerk opposition to therapeutic and educational programs, like those in other states, that also reduce prisoners' fury and make them more controllable.

- . The ultimate victims of this feudal control of the state's prisons are the law-abiding people, often poor, who live and work in the neighborhoods in which prisoners are released, full of anger and devoid of skills.

- . The elected officials so hungry for the guards' campaign donations have been incapable of changing the system. The new governor, however, is already making changes at the top of the corrections bureaucracy and may prove himself able to say "No."

- . **• PART THREE: ON THE ROAD TO REHABILITATION**

- . California's prison and parole systems are colossal failures, shackling the state with debt and crime, including repeat-offender rates that are among the highest in the nation. Against the evidence before their eyes, prison guards and others with a stake in the status quo insist that rehabilitation is just coddling.

- . In the next few weeks, the power of the guards union to protect that throwback position will be tested repeatedly -- by a new governor, by legislative hearings and by a plan to remove 15,000 inmates from the state prisons in the next year and send the bulk of them to private and county drug treatment centers. The transfer would save money. If carefully implemented, it could also reduce crime. These not-quite-prisons, often run out of former prison facilities, would be able to tap federal Medicaid funds to treat addicts and the

mentally ill, something state prisons are not allowed to do. They could be very successful with low-risk drug offenders, as long as the county facilities and for-profit private operators are closely regulated.

- . The California Correctional Peace Officers Assn. will argue otherwise, pleading public safety as the union seeks to preserve jobs and its immense political power by getting rid of private prisons. The guards will certainly point to a riot last month at the private Eagle Mountain prison east of Palm Springs in which two prisoners died in fighting between black and Latino inmates.

- . . Other private prisons don't make the news. Prison experts, including some guards, praise a 200-bed minimum-security prison for women in the town of Live Oak, an hour's drive north of Sacramento, as a model of reform. It provides drug treatment, counseling and moral and vocational education for less than the state spends, per inmate, for just a minimum-security bed.

- . Moral Lessons

- . . One former Live Oak inmate, multiple embezzler Angie Lizarrago, went there after doing time at rougher state prisons at Frontera and Chowchilla. "I hated people," she said. "I was on a road to self- destruction." At Live Oak she earned a bachelor's degree, and she said she was "rebuilt as a person who was smart, who could change." Five months ago she earned her master's degree; now, she is on track to earn a doctorate. Lizarrago credits not just learning opportunities but also Live Oak's morals-based therapy program, which forces prisoners to confront their lives without excuses. She's not a typical case, but her inspiration resonates.

- . . Other states' prison systems use a similar daily regime, developed 15 years ago in a Tennessee prison, to help drug users consider the long-term implications of their behavior. It's been proved to help inmates control themselves, set goals and solve problems. In California, however, few inmates in public prisons have access to it because the Corrections Department declines to fund it.

- . The treatment centers envisioned in the proposed release of 15,000 low-risk inmates could be another kind of useful and lower- cost alternative to the public prisons. The plan was crafted by Mike Brady, deputy secretary of the state's prison management agency, who just over three years ago was in prison himself for crimes related to drug abuse. He knows better than most that success depends not on whether the inmates go to public or private facilities but on whether they end up able to function in society.

- . Effective Treatment

- . First, however, state leaders should use some of the \$277 million in projected savings from the transfer to adequately fund treatment. If they don't, the for-profit correctional firms will get out of the rehab business. The county facilities will end up as glorified drunk tanks in which arrestees crash for a few days before returning to financing their addictions by stealing the public's cars and wallets.

- . If not done properly, the release could end up like the mental hospital debacle of the 1960s and '70s, when California discharged thousands of mentally ill patients from state hospitals into the community. The state promised counties money to treat them, but little materialized. The confused, victimized homeless wandering city streets today, sometimes threatening public safety and turning county jails into last-ditch mental hospitals, are the result.

- . Not every prisoner is a candidate for rehabilitation. Many belong in maximum security for a lifetime. Public safety comes from knowing the difference and using treatment, education and tough therapy to help return nonviolent prisoners to the community.

. Other states do it much better. Texas places more than 75% of ex-offenders in jobs. Missouri pioneered a no-jargon program called the Buns Out of Bed initiative, requiring inmates to participate full time in school, work or treatment. Work is mandatory. Between 1994 and 1999, the proportion of Missouri parolees returning to prison on new felony charges decreased from 33% to 20%, the sixth-lowest recidivism rate in the nation. California's is more than 65%.

. State Sens. Jackie Speier (D-Hillsborough) and Gloria Romero (D-Los Angeles) plan to hold extensive hearings in January aimed at shaking up California's failed prison and parole systems. They can start by rejecting the false lock-'em-up-or-else choices offered by the guards union.

. **• PART FOUR: STEPPING BACK INTO SOCIETY**

. Gerald Miller, 47, is lanky, well spoken and smartly attired in a designer suit. If it weren't for the long scar along his neck, a legacy of 102 stitches after a knife fight at Folsom State Prison, you wouldn't suspect that he's served three prison stints totaling 15 years, on nearly a dozen felony convictions. "Before coming here," Miller says, "I only knew prison -- that ugly, upside-down place where the nastier you are, the more you get along."

. "Here" is Delancey Street, a large, bustling residential and retail center in San Francisco built to give hardened criminals, including "third-generation convicts who have a grandmother who deals," one last chance to turn their lives around, Miller says.

. Since the 1970s, Delancey Street has helped thousands of seemingly incorrigible parolees become regular working stiffs: not angels, but making their own way. Like the wardens at San Quentin and the privately run women's prison at Live Oak, Delancey Street founder Mimi Silbert believes that the key to lowering repeat-offender rates lies in setting high expectations for convicts and making them live up to goals. As Silbert puts it, "Nobody feels good being a passive recipient of anything. We say ex-cons shouldn't be receiving, they should be giving."

. Silbert and her students in what she calls a "Harvard for losers" built the rehabilitation facility in a once-decrepit warehouse district along San Francisco's Embarcadero in 1990. Today, the halfway house supports itself through private donations (Miller's suit among them) and resident-run businesses, including a gourmet restaurant and moving company in the Bay Area and a shuttle service for seniors and Christmas tree lots run by the organization's satellite campus in Los Angeles. Silbert's ex-cons aren't taking public assistance. They are working full days, learning what it's like to have a job. "They earn their dignity," Silbert says. Her strategy offers a gold standard for making ex-cons fit to live in society again.

. Shake-Up Needed

. Whether Gov. Arnold Schwarzenegger will side with the failed status quo or with reformers like Silbert is still unknown. The governor has already named someone new to the state's top prison job and settled a long-neglected lawsuit over treatment of suspected parole violators.

. However, Roderick Q. Hickman, whom Schwarzenegger recently named director of the Youth and Adult Correctional Agency, is an unlikely candidate for blazing reformer: He has spent his entire 25-year career inside the state's Corrections Department. And the settlement was forced on the prisons department by a federal judge, not spearheaded by the governor.

- . To ensure that California's prison and parole systems start correcting instead of just warehousing criminals, state senators, at Hickman's upcoming confirmation hearing, should press him to take these concrete steps:
 - . * Reverse the 37.2% raise over three years that then-Gov. Gray Davis gave the prison guards. The increase is not an entirely done deal. The Legislature has funded the first year, 7.4%. But it can withhold the remainder, sparing Californians an end cost of \$518 million a year.
 - . * Remove Corrections Department Director Edward S. Alameida, known as "Dr. No" for his years of resistance to reforms. Consider as a replacement someone like Michael P. Jacobson, praised for reducing inmate violence, cutting employee overtime and reducing repeat-offender rates as New York City's corrections commissioner in the 1990s. Jacobson, now a professor of criminology, recently called California's prison and parole systems "insane, and begging for reform."
 - . * Support a serious effort, with testing and visitor restrictions, to stop the rampant drug abuse that has turned some correctional facilities into virtual crack dens.
 - . * Create strong incentives for inmates to better themselves. Like most states, California lets prisoners reduce their terms by earning credits for "good time." California, however, defines "good" as being quiet and not trying to escape. The system should also reward inmates for participating in the sort of education, job training and drug treatment programs that reduce parolees' chances of returning to crime.
- . A Safer State
 - . There is no longer much disagreement between "liberal" crime experts such as Silbert and conservatives like former GOP state lawmaker Pat Nolan, who became president of a Christian prison reform group called the Justice Fellowship after serving 25 months in prison himself for racketeering. He says his key mission is to "hold offenders accountable to their victims and to society by providing them with opportunities to become productive, law-abiding citizens."
 - . President Bush's point person on prisons, U.S. Assistant Atty. Gen. Deborah Daniels, said recently "there is simply no locking people up and throwing away the key.... [We must] monitor carefully and assist the reentry of people into the community."
 - . California's prison guards and their cronies in government are out of step with prison experts nationwide. What matters is not how tough prisons can be but whether prisoners can leave their cells with a stake in staying straight.
 - . The inmate education, job and counseling programs profiled in this series, applied wisely, will not only reduce recidivism but make the state a safer place.
- . **• PART FIVE BACKWARD PAROLE POLICIES**
 - . Gov. Arnold Schwarzenegger's recent announcement that he "intends to let the Board of Prison Terms do its job" wouldn't come as a shock in most other states. It stands out only because of former Gov. Gray Davis' knee-jerk vetoes of nearly all parole board decisions to release killers.
 - . Schwarzenegger backed up his words by accepting the board's recommendation to parole Rosario Munoz, a 51-year-old woman who killed her husband's mistress 16 years ago, and 63-year-old Fred Ray Nesbit, who served 18 years for fatally shooting the boyfriend of his estranged wife. The governor rejected a third parole recommendation.

. It's a good time to ask a very basic question: Just what is the parole board's job? In most states, parole boards are held accountable for deciding who's probably safe enough to let out of prison and for ensuring that those released have community support, from housing to drug treatment, as well as tough supervision. The goal is not leniency or mercy but ensuring public safety while holding down prison costs.

. Board Needs Overhaul

. By contrast, California's Board of Prison Terms has done little to beef up parolee supervision. It has squandered increasingly scarce crime-fighting tax dollars on re-imprisoning tens of thousands of nonviolent parolees each year for technical violations such as being late for an appointment.

. The result is that although the state spends \$5.2 billion a year on prisons and parole, 13 times the 1980 figure, its recidivism rates are among the nation's highest. Seventy percent of the state's parolees are re-incarcerated within 18 months of being released, more than twice the national average.

. There are two vacancies on the nine-member parole board, which gives Schwarzenegger a good place to start making changes. He should also replace the board's chairwoman, Carol Daly. She is in a 30-year time warp, citing outdated studies to back her refusal to try to rehabilitate prisoners. Liberal and conservative criminologists have come to agree that community and prison-based education, job and counseling programs do work to prevent crime, though they're not perfect.

. Sentencing Law Fails

. Even if the governor installs the best people on the parole board, members who are willing to work hard with reformers in and out of prisons, it will operate with one hand tied behind its back until the Legislature changes the 1977 Uniform Determinate Sentencing Act.

. This measure, signed by then-Gov. Jerry Brown, all but eliminated the board's discretion to keep dangerous felons behind bars longer and release reformable ones earlier. This year, Brown confessed that it had been "an abysmal failure ... a scandalous merry-go-round of crime [that] ... saddled California with parolees who are ill prepared for release."

. The most extreme example is Richard Allen Davis, the incorrigible criminal whom the parole board was forced to set free in 1993 because the act deemed that he had served his "uniform" amount of time. Less than four months later, Davis, who had a history of assaulting women, abducted, raped and murdered 12-year-old Polly Klaas of Petaluma.

. In a 2000 documentary, Polly's grandfather, Joe Klaas, chastised California's complacent leaders. "You don't have to lock up half the population to get at people like [Polly's kidnapper]," he pointed out. "Justice for the rest of the kids in this country is to create a better place for them to live, not just ... bigger and better prisons."

. California still hasn't answered Klaas' plea. State leaders can reasonably debate which prison and parole reforms are most needed. But Schwarzenegger, to his credit, is not likely to tolerate an operating mode of "do nothing and keep your head down."

. **PART SIX: ASK THE HARD QUESTIONS**

. Sens. Jackie Speier (D-Hillsborough) and Gloria Romero (D-Los Angeles) plan to do something today that is unheard of in California: demand that leaders of the state's prison and parole system explain why California has a higher proportion of parolees who end up back behind bars than any other state. They'll ask how this can happen despite a massive prison building boom and a twelvefold corrections budget increase since 1980.

. The hearings are so rare because the state's powerful prison guards union has vowed to spend millions of dollars defeating any politician who questions the status quo it has enforced on the system for decades. Former Gov. Gray Davis and the Legislature were far too quick to give the guards a 37.2% pay raise over three years when other state employees got almost nothing. Speier and Romero can distinguish themselves simply by refusing to be cowed by the guards union and its bald political threats.

. They should start with California's parolee failure rate of more than twice the national average. They should link that statistic to state officials' termination of community- and prison-based educational, job and counseling programs that in other states keep inmates from returning to prison. The corrections department recently closed its last meager job-training programs and put remaining teachers in an impossible position: Many, working from the hallways of temporary lockups, are compelled to shout lectures about moral responsibility through meal tray slots in metal cell doors. "It's pretty nuts," said Andy Hsia-Coron, a teachers union leader. "You're not going to get any teaching done standing by a cell door."

. Roderick Q. Hickman, secretary of the state Youth and Adult Correctional Agency, should also be pressed to explain why his department recently reclassified thousands of low-risk inmates as high risk, a shift that is the basis for insisting that California taxpayers spend \$700 million to build Delano II, a maximum security prison in the Central Valley that will cost more than \$110 million annually to operate. And why the prison inspector general's budget was slashed from \$9 million to \$2.7 million in the last year alone, despite recent private prison riots and allegations of prison guard brutality and coverups that cry out for investigation.

. It's an outrage that such questions as these weren't asked decades ago, when state prisons started to become revolving doors of crime. Romero and Speier should not shrink from asking them today.

. **PART SEVEN: UNSHACKLE THE INSPECTORS**

. Working in California's vast correctional system is often dangerous, and most prison guards carry out their jobs honorably. Nothing, however, can excuse what federal investigator John Hagar revealed in a blistering report on the prison system released last week: a pervasive "code of silence" that protects rogue guards who pummel inmates and sometimes prod them into fights, and that is condoned by leaders who "neither understand nor care about the need for fair investigations."

. At a hearing last week on prison and parole reform chaired by Sen. Gloria Romero (D-Los Angeles), Roderick Q. Hickman, the secretary of the Youth and Adult Correctional Agency, conceded that "the revolving door in and out of prisons in California creates too many victims and shatters too many lives ... we have to achieve more success." Hickman promised to "give our offenders ... services to allow them to succeed," such as job training and drug treatment. Unfortunately, though, his newly released budget not only fails to fund such new services, it eliminates the money for the most basic reform of all: the correctional system's independent watchdog, the Office of the Inspector General.

. In the last two years, the inspector general's office, whose director is appointed by the governor and confirmed by the Senate, has served California well. One of its recent reports, for instance, shows how Richard Krupp, a 31-year Corrections Department veteran, was stripped of his duties in 1999 because he revealed how prison guards overcharged California taxpayers by \$250 million a year by abusing sick leave and overtime pay. How did the Legislature reward this good work? By agreeing, under pressure from the prison guards union, to cut the inspector general's budget by 76% in the last two years. Now Gov. Arnold Schwarzenegger, in his fiscal year 2005 budget, has proposed reducing the agency's budget to zero.

- . Tip Kindel, a Hickman deputy, says the department is setting aside \$630,000 to carry on the job of the inspector general from within the agency. "We're in the process now of developing a comprehensive [oversight] program," he says, "that is going to be fair ... and free of inappropriate outside influence."
- . But at prison reform hearings today and Wednesday, Sens. Jackie Speier (D-Hillsborough) and Romero should make it clear to Hickman that the once-independent inspectors shouldn't report to him, the head of the department they are investigating.
- . Restoring the inspector general's independence is only a first step toward reform. But it's the best single step to get at the root problem that Hagar's report exposed: a correctional system that now sanctions not only needless violence against prisoners but assaults on the careers of those who blow the whistle on abuse.
- . **PART EIGHT: A JUNKYARD FOR YOUNG LIVES**
- . Experts who studied the miserable lives of juvenile inmates in the charge of the California Youth Authority released reports this week showing a system in worse shape than most outsiders could have imagined. The state subjects its charges to the harshest punishments of any juvenile detention system nationwide, leaving teenagers confined in steel-mesh cages when guards aren't prying them from their cells with mace and tear gas.
- . As horrifying as the reports are, they are consistent with the state's completely broken prison system. The common problems include:
 - . * A revolving door of crime. Nine out of 10 youth offenders released in California end up incarcerated again. That is far higher than the adult rate, which at more than 60% is among the worst in the nation.
 - . * A failure to provide rehabilitation. Both the adult and youth prison systems are set up to rely on military-style force, to the exclusion of the behavior modification, counseling, education, job training and life-skills training that other states use to reduce their recidivism rates.
 - . * Lack of oversight. Similarly damning reports in the 1990s forced Youth Authority guards to use mace rather than rubber bullets against inmates, but larger reforms were quickly undercut, going unnoticed or ignored by politicians.
- . The reports on the Youth Authority are only the latest in a flurry of slams against the state's correctional system. Arnold Schwarzenegger, a governor beholden to the vindictive prison guards union, has stoked hope for change by forcing the resignation of former Corrections Department Director Edward S. Alameda (known as "Dr. No" for his resistance to reform), and by trying to reduce the approximately \$1.5 billion in pay raises that legislators granted the guards.
- . But real change would require the recently appointed top prison official, Youth and Adult Correctional Agency Secretary Roderick Q. Hickman, to begin immediate reforms. These include changing policies that provoke rather than prevent violence between wards of the Youth Authority and ending the daily dumping of about 120 of the highest-risk inmates directly from maximum-security cubicles onto street corners. Such inmates, youths and adults alike, should at least spend time in transitional facilities -- lower-security lockups where they would be connected with services on the outside, whether job training or basic schooling.
- . If Hickman begins tackling these serious problems now with Schwarzenegger's full backing, the state may avoid harsh federal action by U.S. District Judge Thelton Henderson. The judge's investigator, John Hagar, has probed corruption in California prisons since the early '90s, reaching the conclusion that state leaders have been incapable of reining in the chaos and corruption that so obviously threaten public safety.

. Henderson has the authority to take over the state prison system - - appointing a director to manage its personnel and oversight, much as an outsider controls a bankrupt company. Given the gravity of the problem, he will have to use that authority if the new administration's efforts fail. We hope, against the evidence of history, that they succeed.

. • **PART NINE: IT'S THE SYSTEM, STUPID**

. The 2002 riot at Folsom State Prison was just one indicator of the many failures in California's \$5.7-billion prison and parole system, which even its new director, Roderick Q. Hickman, admits is "a revolving door of crime." However, Sens. Jackie Speier (D- Hillsborough) and Gloria Romero (D-Los Angeles), who chaired hearings on prison reform this week, were right to single out this fracas for the way it epitomizes two grave problems:

. * The system's tendency to provoke criminal conduct. The riot was incited by prison officials who, instead of releasing inmates from two rival gangs to an outdoor yard a few at a time to maintain control, abruptly cut loose more than 80 inmates with conflicting gang affiliations.

. * The system's secrecy. Capt. Douglas Pieper, seeing that one gang was about to attack the other, asked Associate Warden Mike Bunnell if he could "shut 'em down" -- order inmates to lie on the ground. Bunnell replied "not yet." Seconds later, a melee broke out that hurt 24 inmates and left a guard paralyzed. When Sgt. Sam Cox found a videotape of Pieper and Bunnell's exchange, Folsom's warden told him to delete its audio. After refusing to "tamper with the evidence," Cox told legislators, "I was demoted." Almost a year ago, Pieper took his life. In a letter he left to his wife and 12-year- old daughter, he blamed himself for not stopping Bunnell -- who was investigated but ended up working in the head office of the prison system.

. The problems unearthed at this week's hearings require big responses. The first should be for Speier and Romero to get lawmakers to restore the \$11-million budget of the inspector general, the independent watchdog who helped bring Pieper's story to light. That move would not only assuage wronged whistle-blowing guards but also save taxpayers money.

. On Wednesday, Steve White, the inspector general from 1999 to 2003, told legislators his office had, for example, exposed how guards -- some paid \$100,000 a year -- fetched inmate mail from the post office. Why? As White said to laughs, the Corrections Department "hadn't figured out" it could get mail delivered free.

. Speier and Romero deserve praise for attacking this quagmire. But to reform this system, they need the support of voters, the media and their government colleagues, who all have forfeited too much sway over the system to the prison guards for too long.

. Just how dire is it? While most involved in the issue thought former Department of Corrections Director Edward S. Alameda had left the prison system after resigning last month, officials disclosed Tuesday that he is just vacationing and will return to another managerial job in the system soon. If that isn't discouraging enough, the governor may appoint a stall-and-study panel on prison reform. That's the last thing California needs. It's past time to halt the secrecy, lack of accountability, tax waste and danger in the state's prisons.

. • **PART 10: AN EDUCATION IN BRUTALITY**

. The images of what goes on in California's juvenile prisons are vivid: Teenagers beat and stab others and are beaten themselves, in daily and expectable routines. Some are confined 23 hours a day in 4- by-8 cells, where for meals they must suck pulverized bologna and milk from a straw stuck through a small metal slit. The mentally ill are often thrown into predatory general populations, getting only sporadic medical treatment.

- . Five newly released studies recount in numbing detail this brutality of life for the 4,000 offenders locked up by the California Youth Authority.
- . At a hearing on the CYA today, Sen. Gloria Romero (D-Los Angeles) plans to denounce the 11-prison system as "a fraud to the taxpayers, who expect rehabilitation and safer communities for the \$80,000 they spend annually on every CYA ward ... a fraud to the parents who hope their children would be changed for the better, only to [see them] come out harder, angrier, more mentally unstable or more criminally sophisticated."
- . Romero's rhetoric stings, but strong words failed in the past to change a system described by one national expert as suffering violence "unprecedented in juvenile corrections across the nation."
- . The chief barrier to change is the state's prison guards union, which opposes "coddling" and threatens political retribution on politicians who suggest reform.
- . Not every part of the California Youth Authority is an irredeemable rathole. The prisons, the worst features of the system, could learn from the state and county probation camps. Camp Glenn Rockey, for instance, run by Los Angeles County in San Dimas, specializes in violent offenders. It attempts to change behavior from the moment its wards wake up, make their beds and quietly await morning lineup. Good behavior translates into points that can knock days off a sentence. At another model, the Los Robles Youth Correctional Camp near San Luis Obispo, juvenile offenders are trained to fight fires. Last month, its wards helped clear rubble after an earthquake hit the region.
- . Outrageously, these programs are on the budget chopping block although prison guards enjoy a 7% salary increase this year, along with unrestricted sick leave, and will get a 10% pay boost next year. Prison administrators recently hired 1,000 employees with no legislative approval.
- . The youth system's population actually plummeted in the last few years, from about 10,000 in the mid-1990s to just over 4,000 today. Costs to counties had soared, and offenders ended up back on the streets or in cheaper county facilities. Some state leaders say the juveniles remaining in the CYA are beyond redemption, the worst of the worst. Even if that were true, sending young offenders to modern-day Bedlams only makes them more dangerous when they get out.
- . There is momentum now for change. Gov. Arnold Schwarzenegger and the Legislature have an opportunity to throw real weight into the fight to make California's youth prisons more than schools for violence.

- **PART 11: WHEN THE WILDCATS TAKE ON THE MUSTANGS**

- . Last Friday, the Camp Kilpatrick Mustangs beat the Windward Wildcats at a basketball tournament at Malibu High School. Uniforms aside, it was hard to distinguish the behavior of the Wildcats -- the privileged children of an elite Westside school -- from that of the Mustangs -- robbers, vandals, thieves, substance abusers and other wards of a "camp" run by Los Angeles County's probation department.
- . One reason why California's entire correctional system is such a shambles is that it has largely discarded the notion of rehabilitation. The members of the Mustang team are exceptions. They and other wards at Camp Kilpatrick, a razor-wire-enclosed facility in Malibu, follow a structured routine aimed at teaching them how to succeed after they are released. They comply or risk being sent to a juvenile facility with fewer opportunities. As the Mustangs' coach, Shon Tarver, puts it, if they can regain some control over their lives, they may leave the system able to cope in ordinary society rather than as graduates of a school for criminals.
- . That bright spot in the correctional system may soon be extinguished by Gov. Arnold Schwarzenegger's proposal to terminate the \$134 million in yearly funding for probation camps and related county-based

programs for juvenile offenders. The interest group with the most to gain from the camps' closure is the prison guards union, whose members staff the brutal California Youth Authority prisons where many of the wards would be sent instead. The California Correctional Peace Officers Assn. derides the county facilities as "summer camps."

. That caricature is far off base. While Youth Authority inmates spend most of their time in cells or cages, constantly on alert for violent attacks, probation camp inmates spend five hours a day in school. In other hours they help cook their own meals, clean up their grounds and, at some camps, assist in fighting wildfires. Housing a youth offender in a camp for a year costs \$36,000, compared with \$80,000 in the Youth Authority, so shuttering the camps would not help alleviate California's budget woes.

. A far better course would be to eliminate the 10% pay raise that legislators irresponsibly plan to give the prison guards in the coming year (on top of the 7% raise the guards got last year, on top of salaries already far higher than those of guards in all other states).

. The union's lobbyists are pressuring Sens. Jackie Speier (D- Hillsborough) and Gloria Romero (D-Los Angeles), who plan a hearing on the raises next week. If the guards succeed in intimidating legislators, their raises will cost Californians more than half a billion dollars a year by 2006. Despite what the union argues, future raises are not set in law. Speier and Romero should not give in to the lobbying.

. When the state does something more productive with teenage offenders than throw them into a violent prison, they have a chance of coming out the other end more proud of their free-throw shots and reading skills than new criminal abilities.

• PART 12: REIN IN THE GUARDS' RAISES

. Californians across the board will suffer from the \$15-billion debt bond that voters dutifully approved this month, along with future deep budget cuts designed to prevent a rerun of deficit spending. Except, that is, for the state's prison guards. As early as Thursday, legislators are expected to approve a \$300-million "corrections [department] deficiency bill" that includes \$174 million for pay raises for the guards.

. That measure is sure to pass, in part because the guards union keeps lawmakers intimidated. One legislator, Sen. Jackie Speier (D- Hillsborough), is trying to do something about the guards' future raises. She could use some evidence of voter outrage in her effort to cut back a second 11.4% raise worth \$234 million a year that guards otherwise will get this summer. She also has said she wants shorter union contracts in the future to help the state cope with fluctuating economic conditions.

. Speier isn't getting much help. Insisting that "a contract is a contract," Senate President Pro Tem John Burton (D-San Francisco) opposes forcing the guards to renegotiate raises or other perks, including a costly expansion of sick leave. Like many lawmakers, Burton sees renegotiation as a threat to other unions that support him.

. The guards union says legislators need not bother acting because it has agreed to meet with Gov. Arnold Schwarzenegger's deputies to consider delaying full phase-in of the raises, from 2006 to perhaps 2008. That is not enough. The Legislature's active involvement in opposing the next set of raises is crucial.

. The state's prison and parole system is in the mess it is in today because every attempt to "reform" it in the last two decades has taken place at bargaining tables where state negotiators were outgunned and outfoxed by the prison guards union, the California Correctional Peace Officers Assn. Even legislative hearings on prison

reform showcase its lobbying prowess, its aggressive support of compliant legislators and its opposition to reformers.

. No other California union's success for its members has been so disastrous to public safety. The state's youth correctional system risks federal takeover. The adult system has perhaps the nation's worst recidivism rate.

. Unless Californians demand that their elected leaders make good on their recent promises of prison reform, there will be no force in the state to counteract the guards' influence. Business as usual will reign again.

. * To Take Action: Senate President Pro Tem John Burton, (916) 445- 1412; Assembly Speaker Fabian Nunez, (916) 319-2046.

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. • PART 13 BUILD MINDS BEHIND BARS

. California's prison system fails to protect the taxpayers whose dollars it gobbles. Its repeat-offense rate is among the nation's highest. More than two-thirds of the state's prisoners commit a new crime or violate their parole within a few years of release.

. Connect this failure to studies showing that literacy programs, vocational training and academic skills help keep inmates from returning to crime, and Californians should wonder why the state prison education system has been all but dismantled. Virtually all vocational classes have been ended, and literacy training is offered to only a few thousand of more than 100,000 eligible inmates.

. Next week, state legislators will consider a bill to reverse the losses. AB 1914, introduced last month by Assemblywoman Cindy Montanez (D-San Fernando), would give real clout to a 15-member prison education board that includes outsiders such as the chancellor of the California State University system. The board, now an advisory body, would allocate prison education funds and measure the effectiveness of programs.

. The state legislative analyst estimates that it would cost only about \$125,000 to set up the board under the Montanez bill. That would be a small price to reduce the \$1.5-billion yearly cost of reincarcerating parolees who either commit new crimes or violate the conditions of their parole. Predictably, however, the state prison guards union sees the bill as intruding on its princely authority. Former Gov. Gray Davis, a chief recipient of the guards' campaign contributions, vetoed a similar measure three times.

. California's new prison department director, former San Quentin Warden Jeannie Woodford, is a believer in the link between public safety and prison education. Her boss, Youth and Adult Correctional Agency head Roderick Q. Hickman, said the governor hired her last month because she was persuasive in explaining how "substance abuse, mental illness, lack of education and other factors ... drive criminality."

. She faces a long haul. The department's latest prison education effort is laughable. Crafted in secret negotiations between the union and state officials last December, it ensured that guards would not face any new burdens, such as transporting inmates from cells to classrooms. Therefore, instructors "teach" from outside prisoners' cell doors. Fixing this program would give Woodford and Hickman a good start. To make real progress, however, the Legislature and the governor need to give the prison education reformers better tools, including AB 1914.

. Gov. Arnold Schwarzenegger has not stated a position on the Montanez bill. He may be tempted to leave reform strictly to Woodford. But sunshine helps reform. The governor should stand up to the guards union, as he has in the past, and support independent oversight of prison education.

. **• PART 14: PUT MUSCLE BEHIND REFORM**

. California's top prison officials, Youth and Adult Correctional Agency head Roderick Q. Hickman and California Department of Corrections chief Jeanne Woodford, have admitted that the system they recently took charge of is riddled with flaws, and pledged a total overhaul.

. But it would be a mistake to think that Schwarzenegger administration officials can, on their own, wrest control of the system from the prison guards union. The union, among the largest political contributors in the state, has defeated all major reform efforts for well over a decade.

. Good intentions need muscle to back them. At least three bills scheduled for a vote in the Senate next Tuesday would provide it.

. * SB 1342, by Sens. Jackie Speier (D-Hillsborough) and Gloria Romero (D-Los Angeles) would fix the prison inspector general's budget at a quarter of 1% of the total prison spending budget. That would create a stable foundation for the historically embattled office, whose budget was reduced from \$9 million to \$2.7 million last year after the guards union, the California Correctional Peace Officers Assn., denounced investigations of its members.

. * SB 1437 by Speier would require the prison system to report cost overruns periodically through the year to the state auditor. The federal watchdog, the General Accounting Office, has for years required federal agencies to admit their budget excesses. In Sacramento, auditors can pry the prison system's books open only after an inquiry has been ordered. Fiscal disasters risk discovery only after the fact. Last week, for instance, the auditor discovered that three-quarters of the prison department's healthcare contracts over the last four years had been signed without ensuring the state was paying a reasonable price.

. * SB 1468 by Speier would create a 15-member California Recidivism Reduction Commission to develop benchmarks for judging the success of state prisons, county jails and other correctional facilities at preventing freed inmates from returning. The commission would be responsible for identifying cost-effective treatments. For instance, some job training programs save about \$5 in prison costs for every \$1 spent. The commission would also hunt for practices that boost recidivism, such as flagging inmates as potential gang members and putting them in gang cellblocks just because they have Spanish surnames. The result: new gang members, much more likely to return to prison.

. Legislators have introduced a dozen prison reform bills in recent weeks. The onslaught of legislation may have helped inspire Gov. Arnold Schwarzenegger's comment last week that the Legislature ought to consider taking half the year off.

. There is no question, however, that the bills above are needed. Until the Legislature and the governor support a return to effective rehabilitation, California prisons will keep turning out better criminals.

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. **• PART 15: YELLING 'FIRE' LONG AFTER THE FLAMES**

. State prison leaders' declaration of an "emergency" because of overcrowding is mostly a sign of their inability to anticipate California's correctional needs.

. The calamity -- the arrival of 1,200 more inmates than had been expected -- was predictable. For over a year, county sheriffs have made no secret of the fiscal crises forcing them to fold local beds and bus thousands of "wobblers," or inmates who could be housed either in local jails or state prisons, to state facilities.

. One consequence of the emergency declaration, reported Tuesday by Times staff writer Evan Halper, is that it will let state prison officials move scores of nonviolent offenders into jammed, three- bed cells with violent offenders and no treatment. These inmates were previously housed in cellblocks where drug treatment and other rehabilitation services were sometimes available. As it is, only 21% of California prisoners complete parole without returning to prison, according to the state's legislative analyst. In recent months there have been scores of hearings and lots of indignation, but remarkably little has changed:

. * The department is six months behind in its plan to send 15,000 nonviolent offenders (people convicted of such "administrative" parole violations as a positive drug test or failure to meet a parole agent on time) not to prison but to drug treatment centers or into home detention with electronic monitoring.

. * There are no plans to alleviate the overcrowding in the most obvious, cost-effective way -- by reopening the three private prisons closed only five months ago. The prisons charged taxpayers \$16,000 to \$19,000 an inmate a year and provided such services as drug abuse counseling and job training. When they were closed, inmates were transferred to public prisons at a cost of \$50,000 an inmate, without rehabilitation.

. * No one is compelling prison officials to explain why they have recently reclassified thousands of low-risk inmates as high-risk. The chief beneficiary may be the prison guards union, for whose members it creates opportunities to earn lucrative overtime in high- security prisons. Even if all of the people transferred from counties do need to stay behind bars, the cost would be far less in the private prisons.

. At least one bill active in the state Legislature would address some of the problem. SB 1468 by Sen. Jackie Speier (D- Hillsborough), which the Senate Public Safety Committee passed Tuesday, would reward counties that develop programs to reduce repeat offenses and keep nonviolent offenders out of \$70-a-day county jail beds. It would also create a commission to measure success in both state prisons and county jails.

. The state's prison system continues to be skewed and distorted by the prison guards union, whose lavish campaign contributions have bought them huge salary increases and too much power over how prisons are run. Taxpayers are still waiting for legislators to fix this calamity behind bars.

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• **PART 16: THEY ANSWER TO NO ONE: So how can we tell whether the guards are doing a good job?**

. California legislators, long indifferent to the failings of their state's perversely named correctional system, have done an about- face in recent months by holding scores of public hearings that have at times had a carnival-like air, with dramatic outbursts and hair- raising accusations. Now, with just a few weeks left to renew, reject or revise the prison guards' contract, it's time to put the theatrics aside and make some hard decisions.

. The most obvious step is eliminating the 11.3%, or \$200-million, pay raise the contract would give the guards this year, a slap in the face to the paramedics, police officers and other civil servants who are being asked to weather deep budget cutbacks. Tougher decisions must be made about the dozens of labor provisions now under review that dictate not only how much guards get paid but how they are assigned, promoted and disciplined.

. One provision gives correctional officers the right every six months to pick which posts they want, based not on performance or seniority in the prison department but on their seniority in the guards union. Another provision says parole officers cannot be required to use a computer. Provisions like these strip wardens and California Department of Corrections chief Jeannie Woodford of their authority to manage.

. The political climate of correctional reform today is similar to the one that faced educational reformers eight years ago. Back then, leaders of the teachers unions fiercely resisted politicians' attempts to devise ways of assessing school performance. The accountability measures, they scoffed, were being concocted by people who hadn't set foot in a classroom since 12th grade. Similarly, Mike Jimenez, president of the California Correctional Peace Officers Assn., bristles when he sees people who would be afraid to visit a prison pass judgment on the officers who face their dangers every day. Jimenez's attitude is easy to understand. His union's "leave us alone" defense, however, is no more sustainable or defensible today than was the teachers' resistance to much-needed reform eight years ago.

. Because the prison guards' contract removes prison leaders' authority to manage, it's difficult to hold anyone accountable. And because it has no performance measures, there's no way of knowing whether the guards are doing a good job or not. It may be that the guards deserve a raise, but under the current contract, how can anyone tell?

. **• PART 17 A STARTING POINT FOR REFORM**

. The prison reforms that an expert panel presented Thursday to Gov. Arnold Schwarzenegger are as dramatic as the prisons' failings. For decades, California's prison guards and their union have accumulated power, so that today they run the system. Prisoner rehabilitation is a shambles. California's recidivism rate, says the review panel's report, is the nation's worst.

. Schwarzenegger had asked the panel, led by former Gov. George Deukmejian, to "blow up the boxes" of the failed \$6-billion corrections system. Deukmejian delivered a blockbuster. Turning the report into action will be Schwarzenegger's toughest job yet.

. The commission's most sweeping recommendation is its most contentious: creation of a civilian corrections commission to take responsibility for the prison and parole system, acting as a sort of super board of directors. Schwarzenegger immediately rejected the proposal, on the grounds it would reduce his own accountability. He may be right, but on his own the governor is having trouble cutting back even the guards' bloated pay raise.

. Youth and Adult Correctional Agency Director Rodney Hickman is also said to strongly oppose civilian control. It is an idea perhaps too big to realize immediately, but it should not be dismissed.

. All of the panel's other key reforms should be pursued. Here are three important recommendations that will be strongly opposed by the California Correctional Peace Officers Assn.:

. * Rewrite the prison guards' contract to increase prison managers' disciplinary authority. The contract requires that guards suspected of misconduct be accompanied by union representatives when talking with investigators, encouraging a destructive code of silence. Wardens and prison directors lack authority to decide "how guards are assigned, promoted and disciplined."

. * Create strong incentives for inmates to better themselves. Meaningful education and job training have been all but eliminated in most prisons. Turn that around, said the report, rewarding inmates for participating in education, job-training and drug- treatment programs that reduce parolees' chances of returning to crime.

- . * Develop a clear chain of command and accountability. Guards and other prison officials are not promoted or demoted based on success or ability. Seniority controls everything from job transfers to overtime. "Accountability is absent," the commission points out, "as is transparency for the public into the system's inner workings."
- . The state's official watchdog body, the Little Hoover Commission, has pressed for similar changes for six years, to no avail. Schwarzenegger's own talks with the guards appear to be backpedaling. At least the Deukmejian report, with its strong links between prison failure and dangerous streets, should put urgency into bigger changes.

• PART 18: The Judge's Last-Chance Demand

- . California's prison system is a much tougher nut to crack than it was in 1940, when Clinton Duffy took over San Quentin as warden. Duffy transformed the state's oldest prison -- a row of dungeons by San Francisco Bay where often-naked inmates were thrown rotten food from buckets after being beaten -- into a genuine correctional institution. His then-revolutionary reforms included having prisoners earn their keep by working behind bars and studying trades to ply after their release. Three years later, Earl Warren took office as governor and spread reforms to other state prisons. They eventually became the national model for prison-based rehabilitation.
- . Today, California's prison system again does not rehabilitate. Gov. Arnold Schwarzenegger and the Legislature are either unable or unwilling to get at the root of this failure. Instead of a new warden, a federal judge may end up in charge.
- . In a letter to the governor Tuesday, U.S. District Judge Thelton Henderson, who has been investigating the state's prisons for years, angrily stated that the latest contract revisions, approved by Schwarzenegger, essentially "transfer management authority to the union" and embolden the guards' "code of silence" that thwarts discipline.
- . Henderson, obviously at the end of his rope, threatened to take control of the entire system. The judge could then appoint a new director of corrections with authority to, among other things, hire and fire wardens and rewrite the guards' contract. That may be the only way to force change in the prisons, the state's elected officials having failed so thoroughly.
- . State politicians have in the last decade capitulated to nearly everything the politically powerful prison guards union has demanded. The guards' pay raises over three years are many times those of other state employees, they have nearly unmonitored sick time, and senior officers control their own assignments. For instance, a senior guard seeking a cushy spot may choose to be prison education coordinator, even if he has no qualification or desire to educate.
- . Over several years, the union has killed the community- and prison-based educational, job and counseling programs that in other states keep inmates from returning to prison. The union also funds politicians it likes and mounts costly campaigns against those it doesn't.
- . Henderson began investigating abuses in the state's prisons 14 years ago, the result of a lawsuit over guards' brutal beatings of inmates at Pelican Bay, a maximum-security prison in Northern California. He seems to recognize something Duffy saw more than 60 years ago at San Quentin: Guards' brutality is a canary in a coal mine, the indication of a larger problem. Henderson's threat should break loose some action by Schwarzenegger and the equally culpable Legislature. If it doesn't happen fast, let Henderson give it a try.

• PART 19 : WILL THE GOVERNOR VOTE FOR STAGNATION OR REFORM?

- . When California legislators passed a bill last week to give prisoners the schooling and job training the state has denied them for decades, they didn't forget to call the media and predict that the legislation would trigger an "unprecedented shift" in the system, whose prisoners have the highest repeat offense rate of any state. They did neglect, however, to do one thing: come up with so much as a penny to pay for the reforms.
- . SB 1399 by state Sen. John Vasconcellos (D-Santa Clara) would require corrections officials to evaluate inmates' needs within 90 days of their incarceration, then tailor an educational program to them. The measure would allow inmates to get high school equivalency degrees or vocational training. It's an idea that would almost certainly save money in the long run through reduced recidivism; in the short term, however, it doesn't stand a chance without a funding mechanism.
- . Gov. Arnold Schwarzenegger planned to veto the bill all along; his prison department inexplicably opposes it. But the Legislature's fiscal lapse (an Assembly analysis predicted it would cost at least \$400 million a year to fund the programs) gives him an easy out: He can say the bill is an unfunded mandate.
- . The governor, however, shouldn't be let off the hook that easily. There is something he could do now, even in the absence of new funding, to generate revenue for prison rehabilitation: take some nonviolent inmates out of costly prison cells and subject them to "alternative sanctions" in the community.
- . Such sanctions don't amount to coddling criminals. "Restorative justice" programs, for example, require parolees to work to pay back their victims. Alternative sanctions, such as electronic monitoring and mandatory job-training programs in which offenders who don't show up are sent back to prison, can provide closer supervision than California's 112,000 parolees get today.
- . California now spends \$900 million a year re-incarcerating prisoners, often just months after their release. Some of these repeat offenders are violent people who should be locked up. Most, however, are technical violators -- people who were late to a meeting with their parole officer, for instance -- who could be punished far more cheaply and effectively through alternative sanctions.
- . Eight months ago, Schwarzenegger administration officials promised to use those very sanctions to reduce the state's prison population from 162,000 to 147,000 by the end of this year, then pare it to 117,000 by the end of next year. But the prison population now stands at 163,500 because the governor hasn't even begun to debate which nonviolent offenders should be considered eligible for early release.
- . Schwarzenegger can't have it both ways; if he plans to veto Vasconcellos' bill, he had better start coming up with alternatives.