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California spending billions to build new prisons

Marisa Lagos, Chronicle Staff Writer

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At a dusty construction site in Vacaville adjacent to a prison yard, workers are putting the finishing touches on a 45,000-square-foot structure that will soon house dozens of California's most severely mentally ill offenders.

When the \$33.6 million project at the California Medical Facility is completed this fall, prison psychologists and psychiatrists will have private offices to treat their patients, and inmates requiring inpatient care will have individual cells near a nurse's station, as required by law.

The building, which will include 64 cells, is one of 13 prison construction projects being funded by a \$7.4 billion bond approved by the Legislature in 2007. It is all part of an effort by the state to comply with a court order to reduce overcrowding and improve health care in its prisons.

Even as the construction continues, however - and as the state continues to face pressure to reduce its prison population - there is debate over whether Democratic Gov. Jerry Brown should move forward with the projects.

Thirteen other states have seen their inmate populations drop and are working to close prisons - including Texas, which began shutting down a century-old lockup last week.

Some people think California should follow suit.

"It's such a failed opportunity if we just build more beds instead of getting smart about policies," said Emily Harris of Californians United for a Responsible Budget, a coalition working to reduce the state's prison population and spending. "We know in California that if we build them, we will fill them."

The state, she said, should "use this as an opportunity to make smart reforms that advocates have been pushing for decades, and that we know from recent polls voters support."

Changing needs

The nonpartisan Legislative Analyst's Office bolstered that argument last week when it released a report recommending that the state reconsider its construction program.

The report's author, Paul Golaszewski, said approximately 1,500 low-security beds proposed at two of the 13 construction sites may not be needed once the state starts sending more inmates to local jails

this fall under the governor's realignment plan, and that all future projects should be carefully evaluated.

"We don't know for sure whether they will need these projects," he said. "We don't think they should be delivering more dorm beds. Especially with realignment, it doesn't make sense."

After its completion next month, the Vacaville center will house maximum-security mentally ill inmates who need an inpatient setting. It will have an office area for mental health workers, a dining hall and an exercise yard. Rooms for group therapy will be furnished with heavy, rubber chairs that are impossible to pick up or use as a weapon. There will also be areas for occupational therapy and a handful of rooms with restraints or padded walls. All 64 cells will be within 90 feet of a nurse's station, as required by law.

Court order

Prison officials say this and the other 12 projects are medical and mental health sites that are crucial to getting the state out from under the court order, which arose when advocates sued, claiming that shoddy medical and mental health treatment was violating inmates' rights to decent care and leading to the preventable deaths of up to 50 inmates a year.

A federal court agreed, placed medical care under the control of a federal receiver and ordered the state to reduce its prison population by nearly 34,000 inmates over the next two years.

The conundrum for prison officials is that the population reduction order is directly linked to the court's finding of inadequate medical care and mental health treatment. Prison officials argue that the construction projects under way will help the state comply with the courts.

Improving services

The Vacaville center, for example, won't do much to ease crowding in the main prison, which is about 25 percent over capacity. But the new center will free up treatment space and help state officials better deliver mental health services, according to Stirling Price, who runs the Department of Mental Health's psychiatric program at the prison.

Currently, Vacaville inmates attend group therapy in makeshift rooms, including old cafeterias, and mental health workers must share tiny, crowded offices for individual therapy sessions. The new housing unit will give psychologists and psychiatrists their own office space away from inmates.

Another three-story, \$24 million treatment space is also being built at the same prison for mentally ill patients who can be treated in an outpatient setting.

In all, mentally ill patients make up about one-third of the Vacaville institution's population.

"The construction will allow us to provide services based on a specific need. Right now it tends to be based on where the inmate lives," said David Silbaugh, chief psychologist at the prison. "The idea is

to have (inmates) at the top of their game when they go back into the community."

State officials said the projects under AB900, the prison construction and rehabilitation law, have been constantly readjusted to match new policies, including Brown's plan to begin sending low-level offenders to county jails starting Oct. 1. Several projects for lower-security inmate housing were dropped after it became apparent they were not needed.

"We carefully thought through the things we needed, knowing the fiscal challenges of the state," said Deborah Hysen, deputy director of planning, construction and management at the prison agency. "We wanted to know that what we needed, we would need for a very long time, so if there is any concern about us going slow, it might have to do with the fact that we want to be careful."

Steep price tag

The price tag of these medical and mental health sites has nevertheless drawn scrutiny. On average, taxpayers will shell out \$315,000 per bed for the projects that are under way.

Nancy Kincaid, a spokeswoman for the federal receiver in charge of health care in prisons, said the investment is worth it. The projects, she said, will allow California to treat far more inmates behind prison walls at a much cheaper cost than transporting them to outside centers.

"The people going back to the counties ... are not the people that use the medical facilities generally," she said. "Eighty to 90 percent are used by inmates with long-term sentences."

Kincaid said outside medical care contracts are the state's largest single expense, costing about \$480 million a year.

The debate is likely to continue as the state considers moving forward with a handful of other projects authorized under AB900. Those include expansions of local jails, high-security additions to existing prisons and the creation of re-entry centers in cities and counties around California.

State Sen. Mark Leno, D-San Francisco, who earlier this year called on Brown to rethink the AB900 projects, said he agrees with the Legislative Analyst's Office report calling for reassessments of individual projects, but feels the prison department has done a good job so far focusing on things that are necessary.

"We need to match the beds we have to the needs we have, which is not currently the case," he said. "But we cannot and will not build our way out of our prison problem."

Prison construction

AB900 was signed into law in May 2007, authorizing \$7.4 billion in lease revenue bonds for the construction or expansion of prisons, jails and re-entry centers. Nearly half of that money, \$3.5 billion, will be used to add new beds and treatment and programming space at existing prisons. Among the ongoing projects are:

-- California Medical Facility

Location: Vacaville

Details: 64-bed mental health center at existing hospital

Cost: \$33.6 million, or \$526,000 a bed

Estimated date of completion: September

-- California Institution for Women

Location: Chino

Details: 45-bed acute- and intermediate-care mental health center for female inmates

Cost: \$33.7 million or \$750,000 a bed

Estimated date of completion: December

-- California Health Care Facility

Location: Stockton

Details: 1.2 million-square-foot medical center with 1,722 beds for patient-inmates

Cost: \$906 million, or \$52,000 a bed

Estimated date of completion: July 2013

-- California Men's Colony

Location: San Luis Obispo

Details: 50-bed mental health crisis unit

Cost: \$35.7 million or \$715,000 per bed

Estimated date of completion: September 2012

-- California Medical Facility

Location: Vacaville

Details: Additional treatment and office space for mental health patients

Cost: \$24.2 million; no beds

Estimated date of completion: February 2013

-- DeWitt-Nelson YCF Conversion

Location: Stockton

Details: Renovation of former youth lockup into 1,133-bed adult mental health treatment center

Cost: \$188 million, or \$16,500 a bed

Estimated date of completion: August 2013

-- Estrella

Location: Paso Robles

Details: Conversion of former youth lockup to 1,000-bed adult center aimed at inmates with medical needs.

Cost: \$110 million or \$11,000 a bed

Estimated date of completion: unknown

-- California State Prison, Sacramento, Enhanced Outpatient program

Location: Sacramento

Details: Treatment and office space for 192 inmates

Cost: \$12.7 million, no beds

Estimated date of completion: November

-- Lancaster State Prison

Location: Lancaster

Details: Treatment and office space for mental health services for 150 inmates

Cost: \$11.49 million, no beds

Estimated date of completion: July 2012

-- Central California Women's Facility

Location: Chowchilla

Details: Treatment and office space for inmates with mental health treatment needs

Cost: \$17.7 million, no beds

Estimated date of completion: October 2013

-- Corcoran State Prison

Location: Corcoran (Kings County)

Details: 14,932-square-foot building for mental health treatment space for existing inmates

Cost: \$16.5 million, no beds

Estimated date of completion: February 2013

-- Salinas Valley State Prison

Location: Soledad

Details: Treatment and office space for mental health treatment for existing inmates

Cost: \$25.3 million, no beds

Estimated date of completion: July 2013

-- Northern California Re-entry Facility

Location: Stockton

Details: 500-bed re-entry center for inmates at the end of their sentence

Cost: \$116.8 million or \$23,000 a bed

Estimated date of completion: 2013

-- Additional projects funded by AB900

\$700 million to improve health sites at six existing prisons

\$2.6 billion for up to 10,000 beds at secure re-entry centers in cities and counties around the state. The centers are located in local communities where inmates can serve the last part of their sentences and receive job training, mental health and substance-abuse counseling, housing placement and other help.

At least two high-security additions to existing prisons at an unknown cost.

\$1.2 billion for expansion of local jails. Counties may apply for the money if they agree to host a re-entry center. Five counties have already signed on.

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<http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2011/08/14/MNHN1KJ12V.DTL>

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California's Goal to Reduce Prison Overcrowding Hinges on Counties

By *megan*

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By Raj Jayadev
New America Media

In May, the U.S. Supreme Court ruled that California's overcrowded prisons posed a human rights violation, and required the state to reduce its prison population. To address the problem, Gov. Jerry Brown recently signed into law AB 109 that shifts certain groups of non-violent, non-serious offenders from state prisons to county jails – a policy called “realignment.” It also shifts responsibility for parolees to counties.

The state is expected to transfer about 40,000 inmates to the 58 counties over the next three years. Counties need to submit their plans to deal with the influx of prisoners and parolees from state lock-up by October 1. What path we take at this pivotal moment will be based on how counties envision, strategize, and act over the next two months.

AB 109 has created an opportunity in California to dramatically change the state's criminal justice system. California counties are being given a rare and historic opportunity to re-imagine its public safety framework in a way that can dramatically strengthen communities, unite families, and rebuild the economy.

Santa Clara County sends the most prisoners to state lock-up, and it will see the greatest number of prisoners and parolees returned to the county level, reports the Wall Street Journal. We can use AB 109, not only to improve re-entry programs, but also take a hard look at our county criminal justice system and the number of people we are locking up.

Or, we can just fill up our local jails with people who would have filled up our state prisons.

And as much as I hate to use a Silicon Valley catch phrase, Santa Clara County, as well as every California county can shift the paradigm of our criminal justice system if we allow our more rationale thinking to prevail over the impulse to do more of the same in terms of incarceration.

In Santa Clara County, roughly 3,000 inmates and parolees will be received from the California Department of Corrections and Rehabilitation, along with an estimated \$13 million

from the state in the first year to deal with the influx. Each county, under the legislation, has a Community Corrections Committee -- consisting of the chief probation officer, the sheriff, the district attorney, the public defender, a judge, the director of mental health, and a police chief -- who will construct the realignment plan. Fortunately, in Santa Clara County, the committee has shown a commitment to look at realignment as an opportunity for change, rather than a burden to bear.

But given the time pressure, the risk counties face is equating realignment for re-entry, an inclination that may squander an opening for larger impact. The loudest question in the room is: What are we going to do with all these people returning to our county? And while counties do need to innovate, make difficult resource decisions, and coordinate services to answer this very real question -- re-entry is only one stage of the incarceration machinery.

Ultimately, if a county is going to reduce the number of people it sends to the state prison system, it needs to change the decision points that lead to incarceration in the first place. For example, upon charging, how will the District Attorney's office use its prosecutorial discretion? Upon sentencing, how will judges determine placement? When put on probation, how will probation officers actively assist probationers to find employment and housing, so they don't end up violating their probation?

And having just sat in on Santa Clara County's Community Corrections Committee last week, two indisputable realities were apparent. First, there are more questions than answers. Second, important stakeholders who may hold the most informed ideas on how to move forward are not present. So far.

And this is why a discussion as significant and open-ended as realignment needs all stakeholders at the table, including those on probation or parole, their families, the faith communities, victims' rights groups, civil rights organizations, sitting alongside county officials to construct a plan that has collective buy in.

The challenge of this more inclusive process is that countywide criminal justice reform is rarely discussed in a popular, public sense, despite the fact that the criminal justice system affects everything about us -- our economy, our schools, our neighborhoods, and how we elect our politicians. And in the case of AB109, it is undoubtedly where the rubber hits the road.

Already, during the public comment periods of the county Community Corrections Committee, some ideas put forth by a few community stakeholders are garnering support. One idea around reducing recidivism is for "peer mentors" to assist people returning to the county -- residents who have walked down a similar road, have made their transformations, and can help returnees navigate the re-entry process, by connecting them with services and providing a measure of support from someone "who's been there."

Given the sheer numbers that Santa Clara County deals with in terms of the inmate population, other counties will be watching how we cope with the realignment shift. With enough participation and political will, our process stands to be more than a bureaucratic "shift" from prisons to jails, but can represent a new, smarter way for criminal justice to operate on the county level.

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## **Viewpoints: 'Realignment' to local prisoner control carries a high safety risk**

**Special to The Bee**

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Every Californian wants the best things in life, but all the opportunities that our state offers are meaningless if we and our families are not safe. Excellent schools and good jobs cannot exist if criminals can escape the consequences of their crimes and are allowed to continue victimizing society.

I believe government's first responsibility is to ensure safety and justice for the public. Unfortunately, the Brown administration is pushing a hastily concocted public safety "realignment" proposal that would compromise our safety, up-end sentencing, parole laws and policies, and turn the criminal justice system upside down as a way to balance the budget. While they claim this plan will not jeopardize public safety and would actually increase "local control," it is in reality a scheme to release prisoners early, keep repeating offenders in our communities and punt the state's budget problems to our counties.

The thousand-pages-long proposal was available to legislative staff only last Thursday. There has not been, nor will there be, sufficient opportunity for law enforcement, lawmakers and the citizens of California to analyze or comment on this far-reaching legislation before it is voted on in the Senate and Assembly.

As the vice chair of the Assembly Budget Committee, I had the responsibility to read the governor's proposal line by line, and was deeply troubled by what I learned. For example, his proposal would shift about 38,000 offenders in the first year (16,000 from prison and 22,000 from parole) onto local public safety officials and local courts. This figure would grow to about 68,000 (40,000 from prison and 28,000 from parole) by the year 2014. Understand, these are not just low-level offenders, and they are not rehabilitated.

The governor gives no guarantee that law enforcement will receive ongoing or additional resources they need to handle this vast influx of criminals into our communities. And the notion that extending or increasing taxes for five years will sustain these obligations is folly. By shifting the immense burden of housing unrehabilitated offenders and felons such as child and spouse abusers to local jails, the state is inviting higher crime rates. Local sheriffs are already dealing with their own jail and inmate housing problems.

The governor also proposes to resurrect a dangerous policy idea that was repealed by the Legislature last year because of public outrage. That proposal is to change the sentences of many felons and leave more parolees unsupervised in our communities. The state would give significantly more inmates "good-time" credits – up to 50 percent – which really have never been "earned," thereby releasing them into our communities before justice has been served.

It is expected that once fully implemented this proposal will result in about 40,000 felons acquiring the right to vote, because under the elections code, which this proposal would not amend, convicted felons not housed in state prison have the right to vote.

So now it would be "do the crime, do less time." This proposal even waters down the "three-strikes law" and "Chelsea's Law."

I urge Gov. Jerry Brown and my Democratic colleagues to reject this deeply flawed proposal, based on its long-term impact on our local communities. I urge you to please say "no."

The administration's proposal is high-risk, not only because it will increase victimization but also because it will put an impossible burden on local law enforcement agencies and our local courts that absolutely cannot supervise, manage, rehabilitate nor sanction this vast population of criminals.

My many years as chairman of the California Board of Prison Terms taught me one thing particularly well – whenever considering changes in sentencing or parole policies, be very cautious and be certain of the long-term consequences.

Undoubtedly, our budget problems require tough choices, but they should not cause Californians to live in fear or to become victims. We can and we must find savings in other areas of government that are not as critical to public safety.

Based on my experience in the criminal justice system and as one of the founders of the crime victim's movement I have offered many other solutions, such as ways to cut inmate health care costs and litigation costs, implement safe and sane parole policies that incorporate true rehabilitation incentives, opportunities and consequences for rejecting these alternatives to continue criminal behavior.

This ill-conceived, hastily advanced realignment proposal must be rejected, or our families and our communities will surely pay the price.

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*Assemblyman Jim Nielsen, R-Gerber, is vice chairman of the Assembly Budget Committee.*

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## **Viewpoints: Leadership, incentives needed to realign state-local roles**

**Special to The Bee**

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Government hates to give up control. It isn't good at it. But sometimes it is necessary. This is one of those times.

Gov. Jerry Brown's budget proposal makes the case for realignment, the restructuring of state-local relationships that, in this case, redirects responsibility and resources for government programs from the state to the counties.

It is a case that has been made before by politicians, think tanks and commissions, including the Little Hoover Commission. It is the right thing to do, but it has to be done right.

In the late 1990s, the commission took up a series of studies of state programs – foster care, alcohol and drug treatment, children's mental health, violence prevention and parole policies – and saw similar themes emerge. At the state level, the commission found that departments acted independently of each other even as they served the same families. Decisions on programs often were dictated by how programs got their money, rather than by data-driven strategies that could measurably improve public safety, or reduce addiction, or protect children from abuse. Data useful to guide decisions often didn't exist.

But in study after study, the commission found examples of counties that could deliver public services more efficiently and produce better outcomes than the state in helping vulnerable families and children with complex problems, whether the issue was treatment for mental illness or substance abuse, or programs for violence prevention or foster care. Pushing programs closer to the people they served increased integration of different services. It also generated greater efficiency and more innovation and faster adjustments when required. Having services delivered at the local level – at the same level as the county officials elected to oversee them – also improved accountability. Strong leadership was an important ingredient in every success story.

These studies led the commission to completely rethink how the state delivered health and social services. In a 2004 study, "Real Lives, Real Reforms," based on the testimony of experts, dozens of conversations around the state and its previous experience, the commission laid out a blueprint for reform. It proposed a radical restructuring, shifting state-delivered health care and social services to the county level and, at the state level, re-engineering the Health and Human Services Agency to help counties succeed in delivering evidence-based, cost-effective programs to Californians.

Subsequent studies only reinforced the commission's belief that well-prepared counties, with leadership and vision, could deliver high quality services more efficiently than the state, whether health care for the poor in San Mateo County, substance abuse and public safety in

Santa Clara County, juvenile justice in Orange County or long-term care in San Diego County.

It is heartening to see some of the commission's ideas reflected in the governor's budget proposal and to see the Legislature engage in this discussion anew.

Key ingredients are necessary to make realignment work. Leadership is essential. So is flexibility and incentives that encourage and reward innovation. Reliable funding is crucial. The state has to create the simplest structure possible, one that recognizes that no one size fits all 58 of California's spectacularly diverse counties. Counties should be rewarded if their actions can save the state money, for example such as providing addiction treatment or mental health care to parolees to lower their likelihood of re-offending, or helping seniors monitor chronic health conditions to keep them out of nursing homes.

It is the state's responsibility to create the conditions for the counties' success. And then it has to let go. Counties must have a freedom to design their programs to fit their specific mix of needs, whether it is treatment for meth addiction or foster care or care for frail elderly.

After realignment, the role of state government is equally important, but fundamentally different. Realignment will mean redefining the state's responsibilities.

The state's tasks then become:

- Developing performance measures – with input from locals – that are rooted in evidence-based practices.
- Monitoring quality.
- Collecting data on program populations and outcomes and using that data to drive policy.
- Developing incentives to improve performance.
- Cataloging best practices and incentivizing counties to adopt them.
- Holding counties accountable for results.
- Working with the federal government to increase flexibility for counties.
- Reducing state bureaucratic barriers that make it difficult for counties to integrate program delivery.

At the state level, realignment should result in leaner, more nimble departments. Ultimately, the state will have fewer employees working in fewer departments. They should be working more closely than ever with their partners at the local level. The focus for both should be on improving outcomes for Californians who need public services and demonstrating value to the taxpayers who fund those services.

The current structure is decades in the making. It cannot be changed overnight.

Realignment on the scale California needs will not be easy. It will require planning, hard work and especially perseverance. It is unlikely we will get it right the first time.

The important thing is to start.

In the words of legendary basketball coach John Wooden, "Be quick, but don't hurry."

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*Daniel Hancock is the chairman of the Little Hoover Commission.*

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