

# California prison overcrowding set to worsen as governor raises state cap

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16 January 2013

On January 7, California's Democratic Governor Jerry Brown announced his plan to raise the cap on the state's prison population, bringing back into state penitentiaries thousands of inmates who are currently imprisoned out of state.

Brown boasted that California has "one of the finest prison systems in the United States." The mendacity of such a statement is nearly as appalling as the conditions it misrepresents.

In 2006, California's prison system was at 202 percent of its designed capacity. The state's 33 prisons are currently crowded to 145 percent of capacity, holding well over 100,000 inmates in penitentiaries that were designed to hold only 79,000.

Responding to two lawsuits filed against the state on behalf of physically and mentally ill inmates, a federal court in 2009 ordered a reduction in California's prison population. The state government is legally mandated to reduce the number of detainees to 137.5 percent of design capacity by June of this year.

Even this meager goal is now being cast aside. Governor Brown has refused to sanction any further lowering of the prison population, playing to the reactionary advocates of "law-and-order" by stating that "we'd have to release thousands of inmates convicted of murder."

Although some prisoners have been released from detention early to meet the court requirement, thousands have merely been sent to private prisons out of state or dumped into local facilities not intended to hold convicts indefinitely. Currently around 9,000 inmates are being held in private prison facilities outside of the state. These inmates would be returned to state facilities under Governor Brown's plan.

"We can run our own prisons, and by God let those judges give us our prisons back," said Brown, "We'll

run them right."

In a May 2011 decision, the US Supreme Court upheld the ruling of a lower federal court, declaring that the conditions of overcrowding had such dire effects on inmates' health and wellbeing as to constitute "cruel and unusual punishment."

Indeed, the California state government has openly conceded in court that it has created a humanitarian disaster.

The conditions described in *Plata v. Brown*, the case which led to the mandated reduction in the prison population, are worthy of any dictatorship routinely demonized in the American media. It has been demonstrated in the most unequivocal terms that the prison system maintains a callous indifference to the mass of human life it keeps behind bars.

The legal cases that led to federal intervention in California's prison system were filed on behalf of physically and mentally ill convicts. The court decision documented cases in which dozens of sick inmates were held in cages while they awaited medical treatment. Ill and disabled prisoners were regularly denied desperately needed medication and treatment. These conditions are entirely routine. According to the Supreme Court ruling, overcrowding results in at least "one needless death per week."

The estimate given by the Supreme Court is a conservative one. The court's action was not motivated by humane concern for California's convicts. Governor Brown's rhetoric makes clear that he shares the court's fundamental apprehension: maintaining such an enormous prison system will "all but bankrupt the state" unless measures are taken to reduce expenses.

A governor who prides himself on "austerity," Brown is moving to further the deterioration of California's prisons in order to cut the state's expenses.

It is noteworthy that a key proponent of restocking California's prisons is the California Correctional Peace Officers Association (CCPOA), the prison guards' union which has been one of Brown's major political backers and contributed \$2 million to his election campaign.

Despite assurances of California state government officials, the horrific conditions which led to the court order in 2009 continue to persist today, and in large part the problem has simply been unloaded onto the backs of counties and municipalities. Local holding facilities, now mandated to hold all new felons for extended periods of time, overflow with prisoners. Violent and abusive behavior has inevitably increased among both detainees and guards. The exceptional violence and mistreatment in the California prison system are not the result of chance, but flow directly from overcrowding and inhumane conditions.

The situation in California's prisons is both horrifying and irrational. It begs the question of why the prison population is so enormous in the first place. Social problems have essentially been criminalized, with even minor and nonviolent crimes bringing enormous prison sentences—such as the infamous “three strikes” mandatory sentencing procedures. Under conditions of growing social inequality, and unrelenting austerity measures, the response of the ruling class is to increase policing and throw more people behind bars.



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