

California governor seeks end to federal prison oversight

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The federal government has overseen mental health care in California prisons for nearly two decades. In a filing March 27 with the federal district court in Sacramento, the state sought to regain oversight, arguing that it has made adequate improvements in its services.

California has one of the largest incarcerated populations in the United States, with some 120,000 inmates housed in 33 adult prisons across the state.

The conditions in the prisons, under the authority of both state and federal officials, have deteriorated as the incarcerated population has swelled and budget cuts have affected rehabilitation, job training and other services.

Terrible conditions prompted mentally ill inmates to sue the state in 1991. In 1995, the state was found in violation of the US Constitution for failing to provide adequate mental health care to prisoners. A federal manager was appointed at that time to see that reforms were carried out.

In addition to seeking to regain oversight of prison health services, California governor Jerry Brown is also challenging a 2011 US Supreme Court ruling on overcrowding, which found that the conditions in the state's prisons were so egregious that they violated the Constitution's prohibition against cruel and unusual punishment.

In 2006, California prisons held twice as many inmates as they were built to house. Then-governor Arnold Schwarzenegger issued an emergency order that allowed the state to send thousands of prisoners to facilities in other states. Now, Governor Brown is seeking to have those prisoners returned to California in July.

"California is a powerful state," Brown said at a press conference in January. "We can run our own prisons.

And by God, let those judges give us our prisons back. We'll run them right."

Thousands of other state prisoners have been shifted to local jails in recent years in an effort to reduce overcrowding. In court documents filed last month, the Brown administration argued that it could meet federal population cap limits only if it waived some state sentencing laws and ordered "the outright early release of inmates serving prison terms for serious and violent felonies."

In a recent interview with the *Sacramento Bee*, Brown complained that state funds spent on federal oversight were unnecessary and a drain on social services. He argued that problems that have long plagued California prisons have been solved, contrary to the view of numerous prison experts, inmate attorneys and prisoners' advocates.

The governor contended that funds spent on federal oversight would otherwise be allocated for education and social services. "That money is coming out of the university, it's coming out of child care. It's a situation you wouldn't dream anyone would want," he said.

In fact, the Brown administration has imposed repeated austerity budgets with billions of dollars in cuts to education and mental health services. To cite one example, the state's mental health budget was reduced by \$831 million in 2011, with \$567 million cut from the developmental disabilities program. The closure of hospitals and mental health facilities has inevitably resulted in state and federal prisons serving as a primary facility for the mentally ill.

Brown's references to "wasteful spending" are a cynical attempt to sweep under the rug the inhuman conditions revealed, in part, by the federal oversight against which he inveighs. There are reports that the state has classified suicides as murders by cellmates so

as to under-report the actual number of self-inflicted deaths among prisoners.

This was the case with “Inmate HH,” whose May 2011 death by hanging accompanied by a suicide note was initially reported by prison officials as a suicide, but later reclassified, with state lawyers arguing that the inmate was killed by his cellmate and his body positioned to appear as a suicide. The inmate was one of 437 whose deaths were classified as suicides since 1999, and was the 34th death ruled a suicide that year. No charges were ever filed against the state or prison officials for falsification.

The 2012 suicide rate in California prisons was 23.72 per 100,000 inmates, compared to the national average of 16 per 100,000 inmates. These findings were released in the latest annual report by Dr. Raymond F. Patterson, a prominent suicide expert and member of the special master’s team assigned by the federal government to conduct oversight.

Patterson has submitted 14 annual reports on suicides in California prisons to the court’s special master on mental health. The reports have not resulted in any significant changes in the prison system, prompting Patterson to claim that his most recent report would be his last.

“Continued repetition of these recommendations would be a further waste of time and effort,” he said. Dismissed by Brown as “nitpicking,” these reports belie the governor’s depiction of the California system “one of the finest prison systems in the United States.”

Bound up with the overcrowding endemic in the prison system is the utilization of the prison population as a source of low-wage labor. In 2011, Congress amended the Prison Industries Enhancement Certification Program, or PIECP, so to allow private companies access to the labor of federal prisoners. States have long partnered with private industry to manufacture products in prison. State prisoners helped construct a Wal-Mart distribution center in Wisconsin. They have also packaged goods for Microsoft, Starbucks and Costco subcontractors.

According to the International Labor Organization, wages in Asia have nearly doubled between 2000 and 2011, while wages in US prisons have remained flat, ranging between \$0.23 and \$1.15 an hour. In California, prisoners earn between \$0.30 and \$0.95 an hour before deductions.



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