



CURB IS A STATEWIDE COALITION OF OVER 40 ORGANIZATIONS WORKING TO CURB PRISON SPENDING BY REDUCING THE NUMBER OF PEOPLE IN PRISON AND THE NUMBER OF PRISONS IN CALIFORNIA.

SPECIAL REPORT

ON REDUCING THE NUMBER OF PEOPLE IN CALIFORNIA'S WOMEN'S PRISONS

HOW "GENDER RESPONSIVE PRISONS" HARM WOMEN, CHILDREN, AND FAMILIES

Acknowledgements

Californians United for a Responsible Budget (CURB) thanks the over 3,000 people currently imprisoned at Central California Women's Facility (CCWF), Valley State Prison for Women (VSPW), California Institute for Women (CIW) and other California women's prisons, who registered their opposition to "gender responsive prisons" and other prison expansion proposals via petition to the Governor and California Legislature, the over 150 feminist scholars, advocates and policy makers who signed an open letter opposing expansion of California's women's prison system, and all those who made contributions to the planning and development of materials leading to this report.

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I. INTRODUCTION

This special report, *Reducing the Number of People in California's Women's Prisons: How "Gender Responsive Prisons" Harm Women, Children, and Families*, responds to a dangerous and controversial policy that would expand the capacity of California's women's prison system—already the largest prison system for women in the world¹—by up to 40% in two years.²

The policy would expand the capacity of California's women's prisons by adding a new system of mini prisons—"Female Rehabilitative Community Correctional Centers" (FRCCCs)—across the state,³ threatening to further inflict the harms of imprisonment on thousands of California's women, children, and families and further obstruct real public safety while draining resources from the state programs and services that Californians want and need.

II. REPORT OVERVIEW

BACKGROUND: The recent political history of "gender responsive prisons" in California.

LOCKDOWN: People in California's women's prisons.

ANALYSIS: How "gender responsive prisons" harm women, children and families.

RECOMMENDATIONS: Alternative policy solutions in sentencing, parole, reentry, and capacity to reduce the number of people in California's women's prisons and meet the needs of women, children, and families.

III. BACKGROUND

2005-2006 SESSION SUMMARY

This prison expansion plan was first publicly proposed by the Gender Responsive Strategies

Commission (GRSC), established in February 2005 as an advisory committee to the California Department of Corrections and Rehabilitation (CDCR) "to assess and make recommendations on proposed strategies, policies, and plans specific to women offenders."⁴ The GRSC is led by high-ranking correctional staff, criminologists, and representatives of state and local offices. In July 2005, the GRSC contracted with Barbara Bloom and Barbara Owens to "design correctional policies, programs, and housing strategies that reflect gender distinctions and address women's issues."⁵

In January 2006, the GRSC identified 4,500 people serving time for offenses classified as nonviolent and "low-risk", and suitable for release from the state's women's prisons. But, rather than advising the CDCR to release these 4,500 prisoners and to reunify them with their families and communities, the GRSC proposed to build 4,500 new FRCCC prison beds to house them, thereby expanding the CDCR's capacity to imprison people in California's women's prisons by almost 40% in two years.⁶

Assembly member Sally Lieber introduced the GRSC's proposal as AB 2066. The Governor incorporated this FRCCC prison expansion proposal into his August 2006 Special Session on prisons, outlining a host of prison expansion proposals.

After listening to the concerns of advocates who have long worked to address the needs of people in women's prisons and their children⁷ and to the over 2,000 people currently imprisoned at Central California Women's Facility (CCWF), Valley State Prison for Women (VSPW), California Institute for Women (CIW) and other prisons for women California, who registered their opposition to the 4,500 bed and other prison expansion proposals via a 25-foot-long petition to the Governor and Legislature, policymakers and advocates originally drawn to the FRCCC prison expansion proposal's purported intent of providing services and the author's language of "community-based alternatives to incarceration"⁸ began joining the opposition.



In August 2006, Assembly member Jackie Goldberg, originally a principal co-author of AB 2066, announced her decision to remove her name from the bill before it was reintroduced as ABX2 1 during the Governor's special session:

"It is with much deliberation that I have reached the conclusion that AB 2066 is a fraud, a realization that has caused me to change my mind about legislation that once had my name on it. The recent contract bid proposal put out by CDCR for AB 2066 is filled with problems that would almost certainly result in a reduction of services, less family visitation, and countless other custodial issues. AB 2066 will also have the effect of expanding our already mammoth prison system by creating more beds to incarcerate men and women, and further exacerbate the already shocking medical and human rights abuses by decentralizing control of California's prison system...I urge the Legislature to not be pressured

into enacting short-sighted legislation as a temporary fix to one problem among many in a prison system that is crying for true reform."

Susan Burton, a member of the GRSC and executive director of A New Way of Life, a reentry program in Los Angeles often cited by proponents of the mini-prison expansion proposal as a model, also registered her opposition to the proposal, asserting that the CDCR "has demonstrated its failure to use resources already available to provide services. Expanding the CDCR in the name of services and on the back of taxpayers is a gross exploitation of power."¹⁰

2007-2008 SESSION OUTLOOK

While the 4,500-bed mini-prison expansion proposal stalled on the Assembly floor on the last night of the 2005-2006 session, the author reintroduced the expansion proposal as AB 76 in the 2007-2008 session. Whereas in the prior session, AB 2066 and ABX2 1 proposed to build 4,500 new prison beds in FRCCCs, AB 76 proposes to build 2,900 new prison beds in FRCCCs. According to Assembly member Lieber's staff, this change in number was based on the number of bids the CDCR received from its RFP.¹¹ However, the Governor's 2007-08 budget proposes 4,350 new prison beds in FRCCCs.

By the end of February 2007, over 2,800 people in California's women's prisons had submitted AB 76 opposition letters via joint petition.

The FRCCC prison expansion proposal comes at a time when less than 3% of Californians believe prison construction is an infrastructure priority.¹² In fact, prisons are the "only area in which the majority of adults, and voters in both parties, prefer to have either less or the same spending"¹³—a significant opportunity for bipartisan agreement in a session where leadership is taking cues from what media call a

“clear message from voters [that] Californians want continued bipartisan cooperation and results from the Republican governor and Democrat-dominated Legislature.”¹⁴

The FRCCC prison expansion proposal also comes in a session where the state faces a \$5.5 billion deficit in FY 2007/2008 and at least a \$5 billion deficit in FY 2008/2009.¹⁵ The FRCCC prison expansion proposal, as considered during the Governor’s special session, was estimated to cost \$294 million in operating costs alone.¹⁶ Even without the FRCCC and other prison expansion proposals outlined by the Governor, prison costs are projected to climb to over \$10 billion in FY 2007/2008, excluding capital outlay and debt service costs.¹⁷

Billions more tax dollars going into the CDCR is not something Californians want, need, or can afford—especially when the costs of state programs and services they need and want are also estimated to increase, and when over the next three years, Californians will spend an estimated \$10 billion more than in the past for services already rendered in order pay back existing debt.¹⁸

Chief among the Legislative Analyst’s Office’s recommendations to the Legislature in the Governor’s 2006 Special Session on prisons was to consider the prison expansion proposals’ lack of “alternative strategies that could reduce the prison population. In many cases, population reduction strategies would relieve overcrowding and reduce state costs while minimizing the risk to public safety.”¹⁹

IV. LOCKDOWN

While the experiences of the 11,687 people locked in California’s women’s prisons are increasingly on the radar of the Governor and Legislature, most advocates who have long

worked on this issue agree on the pressing need for policy that reduces the numbers of Californians and families impacted by imprisonment. And the only way to ensure we reach that goal is by shrinking the capacity of the women’s prison system, not expanding it.

In 1970, there were about 5,600 people in women’s prisons in the entire U.S.;²⁰ today there are over 11,000 in California alone.²¹ With increasing reliance on imprisonment as the catchall solution to social problems, the women’s prison population has grown by almost 500% since 1980.²²

Over 80% of people in women’s prisons are serving time for actions classified as nonviolent, property or drug-related crimes—“crimes of survival.”²³ People of color are represented disproportionately in prison systems across the nation, comprising around 60% of people in women’s prisons.²⁴ African Americans make up nearly 30% of people in California’s women’s prisons,²⁵ but comprise only about 7% of women in the state.²⁶

Many people in women’s prisons suffer from severe and often life-threatening physical and/or mental illnesses, reflecting lack of access to preventative care to women and transgender people from communities of color and low-income communities.

Being in prison damages one’s health. Many people in women’s prisons are co-infected with HIV and Hepatitis B and/or C.²⁷ HIV rates are at least 10 times higher among prisoners than in the general population,²⁸ and the rate is higher among people in women’s prisons than in men’s prisons.²⁹ Hepatitis C has reached epidemic levels in California prisons—the CDCR estimates that 40% of the prison population is infected, with 60% of people in women’s prisons infected.³⁰

Meanwhile, prison healthcare is minimal at best, especially for this population, whose specific health concerns largely go unaddressed. There is a

dearth of access to treatment, but also to education about serious yet preventable conditions. The recent takeover by the Federal courts of the state's prison health care system is expected to improve health care, but even Constitutionally-acceptable prison health care does not prevent significant health deterioration among prisoners.

And inside prison, violence against women and transgender people in the form of human rights abuses—including medical neglect, brutality, and sexual abuse—occurs regularly.³¹

Outside prison, the imprisonment of millions of people of color has a devastating long-term impact on the communities from which prisoners come. Economies are deeply affected by the loss of potential wage earners who are removed and sent to prison. Approximately 70% of people in women's prisons are mothers, and the majority were the primary caretakers of their children before they were sent to prison.³² Their removal from the community destroys entire families, leaving children to be raised by the state. Children who have imprisoned parents are more likely to end up in the juvenile justice system and prison themselves.³³

Furthermore, imprisonment operates as a form of reproductive control, as women who are imprisoned are effectively denied the right to reproduce. Thus massive imprisonment destroys a community's ability to create a future.³⁴

The harms endured in women's prisons have proven impervious to reform attempts, policy changes or class action lawsuits, despite landmark victories by prisoners and their advocates. Abuses continue despite their illegality and offense to human rights and common practice.³⁵

In this climate, there is a pressing need for policy that reduces the numbers of Californians and families impacted by these abuses. The best way to do that is to reduce the number of people in California's prisons for women and shrink the CDCR's overall capacity to imprison people.

V. ANALYSIS

In contrast to policies to reduce the number of people in women's prisons, the FRCCC prison expansion proposal uses the grave needs of people in women's prisons to manipulate public sentiment in favor of rehabilitation and services to expand a failing system at the same time that Californians overwhelmingly oppose prison expansion and increased spending:

EXPANDING CAPACITY WOULD EXACERBATE OVERCROWDING, NOT ALLEVIATE IT. As the Governor's California Performance Review Commission on Prisons concluded, "the key to reforming the system lies in reducing the numbers"—not in expanding capacity.

Increasingly, the state's only and ubiquitous answer to any problem within the prison system—whether it be the need for more and better programming, disastrous medical and mental health care or the fact that there are too many people in prison—is bricks, mortar and expansion. But, as State Senator Gloria Romero and others have cautioned, "You can't build your way out of this problem." Increasing the number of cells will only increase the number of people in prison.

History teaches us: if we build them, we will overfill them. As far back as 1882, when Folsom Prison was built to replace the already decrepit and crumbling San Quentin, expansion after expansion have failed to address the rising number of people in prison, conditions, public safety, or the lack of programming and services. The current plan offers no indication it will produce different results. When California's most recent prison, Delano II, opened in June 2005, CDCR Secretary Rodrick J. Hickman named it California's "last prison," yet already more prisons are being proposed and Delano II is filled beyond capacity.

Building more prisons, public or private, ties up an increasing percentage of state funds for more

correctional staff, operations, and debt service. More space has never, and will never, pave the way for increased programming or better conditions. It's time to stop pretending that increased capacity, no matter how gender responsive, is part of the solution.

DECENTRALIZING THE WOMEN'S PRISON SYSTEM WOULD THWART OVERSIGHT, FURTHER ENDANGERING PEOPLE HOUSED IN THE PROPOSED MINI PRISONS.

In response to overwhelming evidence of unaddressed violence, medical neglect, and abuse, the CDCR, federal courts, and watchdogs are working to centralize control of California's prison system to increase oversight, address the myriad scandals, and ensure that people are treated equally no matter where they are imprisoned. Counter to this objective, the expansion proposal scatters prisoners throughout the state in mini-prisons unaccounted for in any existing oversight plan.

Resulting health care decentralization would be particularly onerous. All evidence points to the CDCR's failure to provide even baseline medical services, i.e. pap smears, or appropriate care for older prisoners, particularly surrounding women's and transgender healthcare issues.³⁷ These abuses would be exacerbated by decentralization and result in further marginalization of the healthcare needs of women in prison.

The proposal also threatens to create a patchwork of contracting agencies—public, nonprofit, and private—that would operate these new prisons. The CDCR is incapable of administering such a system. For example, community hospitals across the state have begun refusing accepting patients from prison because the CDCR owes millions of dollars for past treatment.³⁸

Because the CDCR has been unable to guarantee even basic constitutional and human rights, advocates and people in prison spend much time monitoring and exposing abuses. By scattering people throughout a system of new mini-prisons, the limited oversight won by advocates would be

nearly impossible to maintain. Importantly, without the possibility of oversight mechanisms, people in prison would be rendered invisible to policymakers, increasing barriers to ongoing litigation aimed at prison reform.

For instance, the closest model California currently has to the proposed system of mini-women's prisons is the Community Prisoner Mother Program (CPMP). The lack of access advocates have to these facilities has contributed to the fact that they are not being monitored for compliance under *Plata v. Davis*,³⁹ a major ongoing class action lawsuit designed to address Constitutionally deficient health care conditions in California prisons and resulting in the appointment of a federal health care receiver to manage California's failing prison healthcare system, even though they are clearly covered.⁴⁰

THE EXPANSION PLAN DECREASES COMMUNITY SERVICES.

The proposal provides for new CDCR-controlled facilities or the transformation of residential therapeutic programs into locked facilities staffed with guards. Thus, the proposal allows CDCR to take over a huge swath of existing community resources—the exact resources that currently can help people stay out of prison. This proposal would displace community treatment beds, which are already in short supply. The result, perversely, would be to route these resources through the prison system—low-income Californians would have to go to prison to get community treatment. Increased spending by CDCR would further squeeze funds for services outside CDCR control.

THE EXPANSION PLAN INCREASES CALIFORNIA'S TAX BURDEN.

Ironically, while reducing community services, the expansion plan would result in significant additional fiscal costs. It is much more expensive to provide services in prison than outside because of added CDCR costs and often less effective. What we really need is more voluntary treatment centers in our community, not to hand over our already short supply to the CDCR.⁴²

THE EXPANSION PLAN MISLEADINGLY APPROPRIATES THE LANGUAGE OF “COMMUNITY-BASED” AND “ALTERNATIVE TO INCARCERATION.”

Contrary to what the proposal claims, transferring people to smaller prisons under CDCR control does not constitute an “alternative to incarceration,” and prisons that are less far away are not “community-based.” Moving thousands of people from California’s women’s prisons into FRCCC beds to make room to imprison others is an expansion of the prison system.

THE EXPANSION PLAN REPLICATES PROGRAMS RIFE WITH ABUSE AND INEFFECTIVENESS.

It is instructive to look below the surface at the CDCR’s CPMPs. There is little or no oversight over these prisons, and credible accounts of misused funds. Services they claim to provide sometimes just do not exist. Basic conditions are often filthy, including documented exposure to mold and lead, which are especially toxic to infants. Women can be sent back to traditional state prison if they cannot “control” their child. In practice, this means a crying toddler can result in her mother being expelled from the program.⁴³

Additionally, beds are left vacant, while judges send pregnant women to prison based on the erroneous assumption that they will be placed in a CPMP, when in reality very few of the already small number of women who even qualify are let into the program. What we are seeing in practice is more women being sent to prison, not more women in prison being sent to a CPMP.⁴⁴

EXPANDING THE PRISON SYSTEM, WHETHER THE ADDED CAPACITY IS DESIGNATED FOR MEN OR WOMEN, IS BAD FOR ALL CALIFORNIANS.

If over 4,000 people are moved out of one of the state’s women’s prisons, it stands to reason that at least one of these prisons could be closed, which would actually help shift resources from prisons to basic needs and services. However, there is no commitment to do this.

Last session, AB 2066 did not state as its legislative intent to close a women’s prison, and

the Governor proposed to convert the added capacity into a men’s prison in FY 2020/2021. This session, the language in AB 76 facilitates the conversion of a women’s prison into a men’s prison with legislative approval. To truly address the damage mass imprisonment causes for women and girls in California, we also need to address the negative impact the continued mass imprisonment of men has on families and communities. We cannot be responsive to the needs of people of any genders in California if we continue our commitment to imprisonment as bedrock social policy.

THE EXPANSION PLAN FORECLOSES THE POSSIBILITY OF REAL, SINCERE CHANGE.

We all agree change is needed urgently. This prison expansion plan is neither an imperfect proposal that will improve the lives of women, nor is it a good first step—it takes us backwards by creating more of a failed and costly system: the CDCR. It is a rehash of the state’s failed experiment with Community Corrections Centers now dressed up in ‘gender responsive’ language. More people in prison is never better than the huge number of people locked up now. Fewer treatment beds for people in the community is not better than what we have now. California would not be better off with private and public prisons instead of just public prisons.

VI. RECOMMENDATIONS

RECOMMENDATION 1:

REDUCE THE NUMBER OF PEOPLE IN WOMEN’S PRISONS BY DISCHARGING THE 4,500 PEOPLE CDCR IDENTIFIED AS NO LONGER NEEDING TO BE IN PRISON. The CDCR has identified 4,500 people who, by its own terms, do not need to be in prison. Numerous proven decarceration strategies exist that are politically viable and feasible to discharge the people CDCR identified.⁴⁵

RECOMMENDATION 2:

PROVIDE SIX MONTHS OF HOUSING TO THE PEOPLE DISCHARGED.

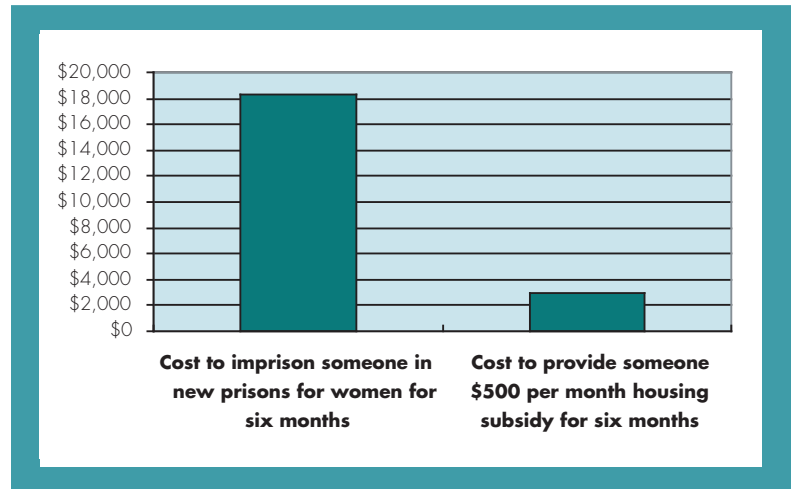
Dr. Joan Petersilia has spent over 20 years researching prison policies. A report by Dr. Petersilia published by the California Policy Research Center at the University of California found that “[a]s difficult as finding employment may be for ex-offenders, parole officials say that finding housing is an even bigger challenge.”⁴⁶ The report identifies multiple challenges to securing housing including: parole conditions that prohibit living with others who have suffered felony convictions, bars to living in public housing, the challenge of amassing enough funds (typically first and last month’s rent and a security deposit) to move into private housing which represents 97% of the total housing stock in the U.S., and background checks conducted by landlords.⁴⁷

“Until [people coming home from prison] have stabilized housing, they can’t get employment. And until they get employment, they can’t get money for housing. Housing is the lynchpin to parolee success. But about 70 percent of California parolees going home to inner cities will be homeless within a year. Homelessness leads to parole violations and re-incarceration,” says Petersilia.⁴⁸

One of the recommendations found in *Taking Stock: Housing, Homelessness, and Prisoner Reentry* is to “develop a ‘kinship’ housing subsidy” which would subsidize family members who provide housing to the person being released from prison. “This would take corrections monies and apply it directly to housing upon release. This could potentially reduce the burden for families that intend to help support their loved one upon release.”⁴⁹

According to 2005 statistics from the National Low Income Housing Coalition, the Fair Market Rent for a two-bedroom apartment in Los Angeles-Long Beach area is \$1,189; in Oakland-Fremont, \$1,339; and in Fresno, \$702.

IMPRISONMENT VS. HOUSING SUBSIDY COSTS



The State has proposed spending approximately \$36,591 per person per year⁵⁰—or \$3,049 per person per month⁵¹—in operational costs alone to contract out prison beds for 4,350 people in women’s prisons⁵² whom it has identified as “**nonserious, nonviolent**”, and not in need of “**high security measures**.”⁵³ This figure does not include facility use costs and medical costs.

Alternatively, the state could discharge the identified 4,350 people and provide a “kinship subsidy” at \$500 per month for six months housing upon discharge. Taxpayers would save over \$2,500 per person per month. Extrapolated out for 4,350 people, the total savings would be over \$11 million per month. Moreover, the state would be directly impacting the “lynchpin” to parolee success.

RECOMMENDATION 3:

CLOSE ONE WOMEN’S PRISON IN TWO YEARS.

To ensure decarceration, any legislation must include a requirement that a women’s state prison

shall be closed within one year of implementation of the discharge program, that the institution not be reused as a prison, jail, or detention facility for people of any gender, and that the re-purposing of the prison site be informed by a study evaluating community need for the community where the prison is sited.

RECOMMENDATION 4:

REAPPORTION FUNDS SAVED FROM PRISON CONSTRUCTION AND OPERATION TO SOCIAL SERVICES INDEPENDENT OF THE CRIMINAL LEGAL SYSTEM, INCLUDING WOMEN’S COMMUNITY HEALTHCARE, EDUCATION, JOB, AND SKILL TRAINING. The reappropriated funds should be dispersed to county services in proportion to how many people are released to the county.

There are many examples of successful, truly community based programs that are far more cost effective than CDCR and good candidates for saved funds. For example, A New Way Of Life Reentry Project in South Los Angeles provides 20 beds for women and children in three residential houses. It serves approximately 40 residents per year at a cost of approximately \$15,000 per resident per year providing services such as housing, clothing, food, mentorship, family reunification, and skill training. An estimated 70% of residents that leave A New Way of Life

discharge from parole and probation, maintain sobriety, and enter job training and/or the workforce.

Similarly, Free At Last in East Palo Alto serves approximately 70 residential clients per year. It provides housing, employment support and life skill, at a cost of approximately \$16, 785 per person. Approximately 60 % of Free At Last participants are employed and out of prison one year after completion of the program.

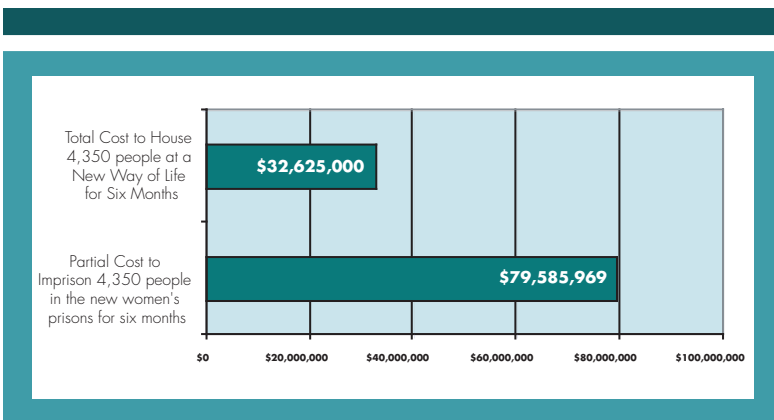
RECOMMENDATION 5:

REDUCE BARRIERS TO WOMEN’S REUNIFICATION WITH FAMILIES AND COMMUNITIES. While California has opted out of the federal ban created through the 1996 Federal Welfare Reform Act on providing food stamps to people with drug convictions and/or outstanding warrants, formerly imprisoned people continue to face discrimination when seeking housing, employment, and other public benefits. The California Fair Employment and Housing Act and restrictive public housing and Section 8 guidelines should be revised so formerly imprisoned women and their families and communities can all secure the resources they need to stay intact.

VII. CONCLUSION

As the California Performance Review Commission on Prisons headed by former Governor George Deukmejian has concluded, the “key to reforming the system lies in reducing the numbers”.

The FRCCC expansion proposal puts expansion before reform. We will never reduce the numbers by expanding the capacity of the system to imprison people. Increasing the number of cells will only increase the number of people in prison.





Real reform demands a true reduction in the numbers of people in prison, beginning with a moratorium on new prison construction. We can then redirect funds saved from prison expansion into the local services that women and transgender people need, including housing, healthcare, education, and employment independent of the criminal legal system.



VIII. APPENDICES

CURB MEMBER ORGANIZATIONS:

A New Way of Life

Action Committee for Women in Prison

A.D.E.L.A.N.T.E.

All of Us or None

**American Friends Service Committee,
Pacific Mountain Region**

Bay Area Black Radical Congress

Beyond Bars

Blacks United for Quality Education

Buddhist Peace Fellowship

California Coalition for Women Prisoners

California Interfaith Alliance for Prison Reform

California Prison Focus

California Prison Moratorium Project

Center on Race, Poverty, and the Environment

Central California Environmental Justice Network

Coalition on Homelessness

Community Wellness Partnership

Critical Resistance Oakland

Critical Resistance Los Angeles

Drug Policy Alliance

Education Not Incarceration Coalition

Families to Amend California's Three Strikes

Free Battered Women

Friends Committee on Legislation of California

Grayson Neighborhood Council

Just Cause Oakland

Justice Now

Justice Policy Institute

Legal Services for Prisoners with Children

National Lawyers Guild – SF Bay Area

Out of Control:

Lesbian Committee to Support Political Prisoners

Penal Reform International

Prison Activist Resource Center

Prisoners Rights Union

Proyecto Common Touch

UC Berkeley Graduate Assembly

University of California Student Association

**Women's International League for Peace & Freedom
(California Branch)**

Youth Law Center

REFERENCES

FOR MORE INFORMATION ON SELECTED REFERENCES LISTED BELOW, ALSO VISIT CURB'S WEBSITE: WWW.CURBPRISONSPENDING.ORG

- 1 See CENTRE FOR PRISON STUDIES IN LONDON, WORLD PRISON BRIEF (Kings College London, University of London, 2007), <http://www.prisonstudies.org> (As of January 31, 2007, there were 11,687 people locked in California's women's prisons. By way of contrast, the United Kingdom, Italy and France—countries with almost twice the population of California—imprison 4800, 2632 and 1958 respectively in their women's prisons).
- 2 The plan was first proposed in the 2005-2006 California legislative session as AB 2066 (Cal. 2006), reintroduced and defeated as ABX2 (Gov. Spec. Sess., Cal. 2006) 1 in the Governor's August 2006 Special Session, and again reintroduced in the 2007-2008 California legislative session as AB 76 (Cal. 2007).
- 3 CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, INMATE POPULATION, REHABILITATION, AND HOUSING MANAGEMENT PLAN 5 (2006), <http://www.cdcr.ca.gov/communications/specialSession/inmatePopRehabHMP.pdf> (Released in conjunction with the Governor's August 2006 Special Session, this plan proposes the explicit expansion of the women's prison system, filling the 4,500 beds vacated by those transferred to Female Rehabilitative Community Correctional Centers until fiscal year 2020/2021, at which point "CDCR will convert added capacity to men's beds").
- 4 CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, GENDER RESPONSIVE PROGRAM ACCOMPLISHMENTS FOR FEMALE OFFENDERS, http://www.cdcr.ca.gov/communications/docs/GRP_Accomplishments.pdf.
- 5 Id.
- 6 CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, INMATE POPULATION, REHABILITATION, AND HOUSING MANAGEMENT PLAN 5 (2006), <http://www.cdcr.ca.gov/communications/specialSession/inmatePopRehabHMP.pdf>.
- 7 See e.g., Letter from Cynthia Chandler, Co-Director and Acting Director, Justice Now, to California Assembly member Sally Lieber and Senate Committee on Public Safety (May 30, 2006) (AB 2066 oppose letter)(on file with author)(letter from an organization working daily with people in women's prisons provide legal services, health information, and to document human rights abuses in women's prisons stating that "the model proposed by AB 2066 and the GRSC does not make a clear distinction between expanding prisons and expanding services...[N]ew prisons siphon money away from programming and toward construction and custody staff [and] wastes literally billions of state dollars in bond repayments and annual operating costs...and creates the 'need' to fill the newly created beds" (on file with 2005-2006 Senate Committee on Public Safety); Letter from Susan Burton, Executive Director, A New Way of Life, to California Senator Carole Migden, Chair, 2005-2006 Senate Committee on Public Safety (AB 2066 oppose letter)(on file with 2005-2006 Senate Committee on Public Safety)(as a Los Angeles-based reentry program independent of California Department of Corrections and Rehabilitation (CDCR) control, A New Way of Life's opposition to the FRCCC prison expansion proposal is significant given that the Gender Responsive Strategies Committee of the CDCR and Assembly member Lieber point the

program as a model for their prison expansion proposal); Letter from Dorsey Nunn, Program Director, and Karen Shain, Administrative Director, Legal Services for Prisoners with Children, to Assembly member Sally Lieber (August 8, 2006)(ABX2 1 oppose unless amended letter)(on file with author)(a San Francisco-based organization that has advocated for the human rights and empowerment of incarcerated parents, children, and family members for 28 years, LSPC asserts their concern that “the bill will be used to increase the number of people in prison rather than to actually decrease that number...We do not want to expand the capacity to incarcerate more people. We would like to see language in the bill that identifies the need for sentencing and parole reform, which represent the key to solving the crisis of overcrowding in California prisons”); Letter from California Prison Moratorium Project to Senator Carole Migden, Chair, 2005-2006 Senate Committee on Public Safety (AB 2066 oppose letter) (on file with 2005-2006 Senate Committee on Public Safety); Letter from Cynthia Chandler and Cassandra Shaylor, Co-Directors, Justice Now, to Assembly member Sally Lieber (June 26, 2006) (AB 2066 oppose unless amended letter)(on file with author); see also Cassandra Shaylor and Ari Wohlfeiler, *On Solutions for Prison Overcrowding: More Prisons or Better Prisons? Sent Home Should Mean Sent Home*, S.F. CHRON., June 16, 2006 (Arguing instead of expanding prisons through FRCCCs, Justice Now proposes “shifting money out of the corrections department and into social-service agencies...We should send the 4,500 prisoners home to their communities with the resources earmarked for construction and operation of new prisons. That way, former prisoners can reunite with their families and seek education, job training, housing, employment and drug treatment as necessary”); and Nell Bernstein, *Children Will Foot the Bill for California’s Prison Expansion*, OAK. TRIB., July 23, 2006 (made available in

Appendix)(San Francisco Children of Incarcerated Parents Partnership asserts that “the children whose parents are slated to fill the 50,000 new prison beds the Governor has requested...will be left parentless—unprotected”).

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- 40** Interview with Johanna Hoffmann, Esq., Former CPMP Employee May 2001-March 2002 (Jan. 14, 2007).
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- 45** See, 50 Ways to Reduce the Number of People in Prison (Californians United for a Responsible Budget (CURB)), 2006. For example, this document outlines how the CDCR controls parole violation policies, which bear the brunt of the blame for California’s out-of-control prison population; if one wanted to reduce the number of people in women’s prisons by 4,500, one could do that by not placing every individual who leaves prison on parole, discharging people from parole after one year rather than three, and reducing the number of people returned to prison for missing appointments with parole officers, failing drug tests, living with family members in different counties, and other technical “violations.” CDCR also controls work-credit policies that could readily be amended to allow for release of designated populations. The CDCR also can petition sentencing judges for early release of designated populations through the recall and resentencing process provided for in Cal. Pen. Code §1170(d). Finally, one could allow for early release for seriously ill/permanently incapacitated people in prison—women in prison suffer disproportionate rates of terminal/incapacitating illness as compared to the general population or imprisoned men, and legislation to re-appropriate monies saved through the aforementioned decarceration strategies to non-correctional community services required of low income women and children.

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