

THE PRISON CONSTRUCTION PROGRAM

SEPTEMBER 13, 1983

LEGISLATIVE ANALYST

STATE OF CALIFORNIA

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THE PRISON CONSTRUCTION PROGRAM

Statement to the Assembly Committee on Ways and Means
Sacramento, September 13, 1983

MR. CHAIRMAN AND MEMBERS:

THE BILL BEFORE YOU, SB 422, WOULD APPROPRIATE \$172.5 MILLION FOR A NUMBER OF SPECIFIC PROJECTS, MOST OF THEM INTENDED TO INCREASE THE CAPACITY OF THE STATE'S CORRECTIONAL SYSTEM. YOU ALREADY HAVE OUR ANALYSIS OF SB 422 WHICH DESCRIBES THE FEATURES OF THE BILL. THE ANALYSIS IS SHORT ON SPECIFICS BECAUSE THE DEPARTMENT'S PROPOSALS ARE SHORT ON SPECIFICS. I WILL NOT, HOWEVER, ATTEMPT TO DUPLICATE THE CONTENTS OF THAT ANALYSIS IN MY REMARKS.

MY PURPOSE IN COMING BEFORE YOU TODAY IS TO PUT SB 422, AND THE PROBLEM IT ADDRESSES, IN A BROADER CONTEXT. IT IS IMPORTANT THAT THIS BE DONE BECAUSE IT IS EASY TO LOSE SIGHT OF THE REAL ISSUE AT HAND. THAT ISSUE IS NOT WHETHER AN ADDITIONAL \$172 MILLION IS NEEDED IF THE STATE IS TO ACCOMMODATE THE PRISON POPULATION PROJECTED FOR 1987. CLEARLY, SEVERAL TIMES THIS AMOUNT ULTIMATELY WILL BE NEEDED IN THE YEARS AHEAD.

RATHER THE ISSUE IS: WHAT CAN THE LEGISLATURE EXPECT TO BE ACCOMPLISHED IF SB 422 IS ENACTED IN ITS CURRENT FORM? IN OUR JUDGMENT, THE ANSWER IS "NOT MUCH"--AT LEAST IN THE SHORT TERM, GIVEN THE DEPARTMENT OF CORRECTIONS' TRACK RECORD DURING THE PAST FIVE YEARS. I SAY THIS

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BECAUSE THE PRIMARY OBSTACLE TO GETTING THE STATE'S PRISON CONSTRUCTION PROGRAM MOVING AT AN ACCEPTABLE PACE IS NOT A SHORTAGE OF FUNDS. IT IS, QUITE SIMPLY, THE SERIOUS MANAGEMENT DEFICIENCIES THAT EXIST WITHIN THE DEPARTMENT.

UNTIL THESE DEFICIENCIES ARE OVERCOME, A LAST-MINUTE APPROPRIATION OF FUNDS FOR NEW AND EXISTING FACILITIES IS NOT LIKELY TO MAKE ANY MEANINGFUL DIFFERENCE IN TERMS OF MAKING THE PRISON CONSTRUCTION PROGRAM A SUCCESS.

THE CONSTRUCTION PROGRAM ENVISIONED BY THE DEPARTMENT OF CORRECTION'S MASTER PLAN IS A COMPLEX UNDERTAKING--ONE THAT WOULD CHALLENGE ANY AGENCY OF STATE GOVERNMENT. IN RECOGNITION OF THIS, THE LEGISLATURE ENACTED LEGISLATION GIVING FULL AUTHORITY FOR PRISON PLANNING AND CONSTRUCTION TO THE DIRECTOR OF CORRECTIONS. THE LEGISLATURE ALSO HAS APPROPRIATED FUNDS FOR THE DEVELOPMENT OF ADDITIONAL PRISON BEDS, AS WELL AS THE FUNDS NEEDED TO MANAGE THE CONSTRUCTION PROGRAM SUCCESSFULLY. THE DEPARTMENT, HOWEVER, HAS MADE LITTLE PROGRESS UNDER EITHER THE PREVIOUS ADMINISTRATION OR THIS ADMINISTRATION IN BRINGING NEW CAPACITY ON-LINE IN A TIMELY FASHION.

IN ADDRESSING THE ISSUE RAISED BY SB 422--WHAT CAN THE LEGISLATURE EXPECT TO BE ACCOMPLISHED IF THE MEASURE IS CHAPTERED?--YOU SHOULD CONSIDER WHAT HAS BEEN ACCOMPLISHED WITH THE MONEY YOU APPROPRIATED DURING THE LAST FIVE YEARS. FOR EXAMPLE:

- o ALTHOUGH THE LEGISLATURE APPROPRIATED AND THE DEPARTMENT SPENT \$7.6 MILLION IN 1978 FOR PLANNING STUDIES, THE RESULTS OF THESE STUDIES HAVE BEEN VIRTUALLY ABANDONED BY THE DEPARTMENT.
- o ALTHOUGH THE LEGISLATURE APPROPRIATED \$4.25 MILLION IN 1979 (CHAPTER 1135) FOR SITE ACQUISITION, APPROXIMATELY \$4 MILLION OF THIS AMOUNT REMAINED UNSPENT THREE YEARS LATER AND REVERTED IN 1982. AS A RESULT, IT WAS NECESSARY FOR THE LEGISLATURE TO APPROPRIATE \$4.1 MILLION IN THE 1982 BUDGET ACT IN ORDER TO REPLACE THE UNSPENT FUNDS.
- o ALTHOUGH THE LEGISLATURE APPROPRIATED \$25 MILLION IN THE 1981 BUDGET ACT FOR PLANNING/CONSTRUCTION OF NEW PRISONS, APPROXIMATELY \$20 MILLION HAD TO BE REAPPROPRIATED IN 1982 BECAUSE THE PROJECTS HAD NOT PROCEEDED.
- o ALTHOUGH THE LEGISLATURE APPROPRIATED \$149 MILLION IN THE 1982 BUDGET ACT FOR NEW PRISONS, THE DEPARTMENT WAS ABLE TO OBLIGATE LESS THAN HALF OF THIS AMOUNT, AND OVER \$78 MILLION REMAINED UNENCUMBERED AS OF JUNE 30, 1983. THE DEPARTMENT HAD ADVISED THE LEGISLATURE THAT IT NEEDED \$188 MILLION IN 1982-83.
- o NEW MAXIMUM SECURITY PRISONS AUTHORIZED FOR ADELANTO AND FOLSOM ARE BEHIND SCHEDULE, BASED ON THE OCCUPANCY DATE PROJECTED BY THE DEPARTMENT AT THE TIME PLANNING FUNDS WERE APPROPRIATED IN 1981.

- o NEW PRISON CAPACITY, WHICH COULD HAVE BEEN OCCUPIED RELATIVELY QUICKLY IN ORDER TO RELIEVE OVERCROWDING, HAS BEEN STALLED. FOR EXAMPLE, ALTHOUGH THE LEGISLATURE APPROVED THE PROPOSAL TO MOVE TEMPORARY HOUSING AT STATE HOSPITALS (AT LEAST 700 BEDS) TO PRISONS 14 MONTHS AGO, NOT A SINGLE UNIT IS OCCUPIED TODAY. IN ADDITION, IT TOOK THE DEPARTMENT NINE MONTHS TO FORMULATE A RESPONSE TO LITIGATION INVOLVING THE ENVIRONMENTAL IMPACT REPORT ON THE PROPOSAL TO REACTIVATE A FACILITY IN SAN LUIS OBISPO (900 BEDS).
- o A PROGRAM FOR THE NEW SAN DIEGO PRISON WAS COMPLETED OVER A YEAR AGO AND PLANNING FUNDS FOR THIS PROJECT WERE APPROPRIATED IN THE 1982 BUDGET ACT. YET PLANNING FOR THE FACILITY HAS STILL NOT BEEN STARTED.
- o NO SITES HAVE BEEN SELECTED FOR PRISONS IN EITHER RIVERSIDE COUNTY OR LOS ANGELES COUNTY, DESPITE THE APPROPRIATION OF ACQUISITION FUNDS 14 MONTHS AGO.

IT IS TRUE THAT THE DEPARTMENT HAS NOT GOTTEN EVERYTHING IT WANTED FROM THE LEGISLATURE. AS IS YOUR PREROGATIVE, YOU HAVE REJECTED ON A POLICY BASIS SOME PROPOSALS ADVANCED BY THE DEPARTMENT (SUCH AS THE SALINAS FIRESTONE PLANT AND THE YOUTH TRAINING SCHOOL (YTS) TRANSFER) THAT WOULD, AT SOME POINT, HAVE BROUGHT ADDITIONAL PRISON BEDS ON LINE. IN ADDITION,

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YOU HAVE REFUSED TO PROVIDE FUNDING FOR FACILITIES IN THE ABSENCE OF INFORMATION DOCUMENTING THE COST OR FEASIBILITY OF THE PROPOSED PROJECTS.

THIS, HOWEVER, SHOULD NOT CAUSE ANYONE TO OVERLOOK WHAT YOU HAVE DONE, AND WHAT THE DEPARTMENT HAS NOT DONE IN RECENT YEARS.

THE LEGISLATURE HAS PROVIDED \$335 MILLION IN FUNDS FOR THE PURPOSE OF REDUCING OVERCROWDING IN THE STATE'S PRISON SYSTEM. MOREOVER, THE LEGISLATURE HAS AUTHORIZED WORK TO BEGIN ON PROJECTS THAT WILL REQUIRE AN ADDITIONAL \$450 MILLION TO COMPLETE. THE IMPLEMENTATION OF THE PROGRAM APPROVED BY THE LEGISLATURE, HOWEVER, HAS NOT PROGRESSED AT THE RATE PROMISED BY THE DEPARTMENT WHEN THESE FUNDS WERE APPROPRIATED. UNLESS THE DEPARTMENT'S MANAGEMENT OF THIS VITAL PROGRAM IMPROVES DRAMATICALLY IN THE COMING MONTHS, A FURTHER APPROPRIATION OF FUNDS BY THE LEGISLATURE AT THIS TIME WILL NOT ENSURE THE TIMELY DEVELOPMENT OF NEW PRISON FACILITIES.