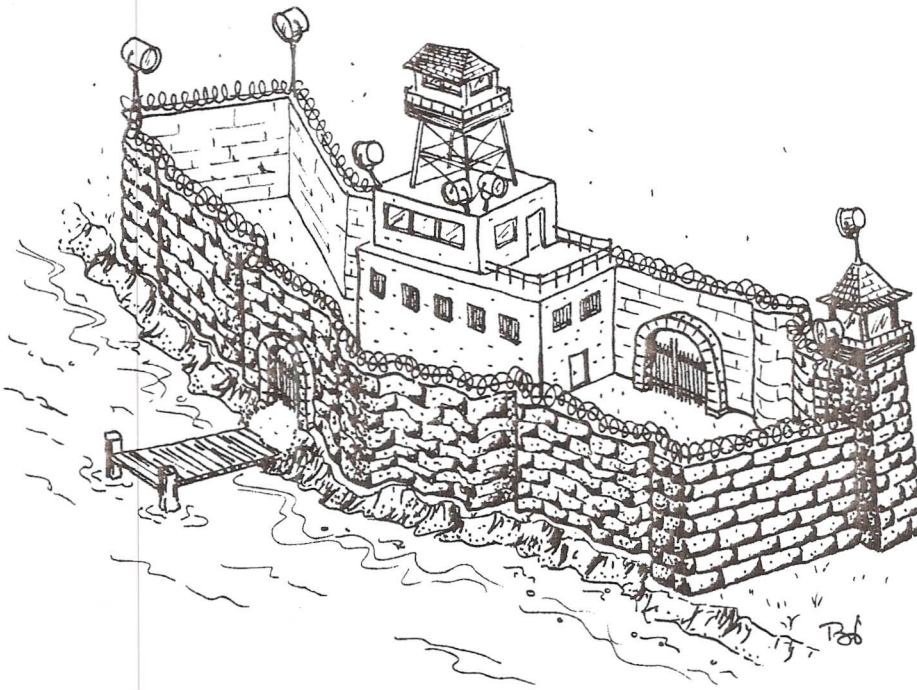

Political cartoonist Rob Wilson comments on the dramatic increase in the rate of incarceration and the construction of new prisons in California. (*Courtesy of the* California Journal.)

decline in the 1990s. California voters demanded that their elected officials take vigorous action to ensure public safety.

The growing concern about crime led to several fundamental changes in California's criminal justice system. The most dramatic change came in 1977 when the state legislature reinstated the death penalty. California's first execution in a quarter century took place in 1992. Soon the process became routine as an average of one condemned inmate each year was put to death by lethal injection; by 2006 more than 645 inmates were awaiting their turn on San Quentin's death row.

The legislature altered another important part of the criminal justice system in 1977 when it changed the way prison terms were set. Formerly, a state parole board had decided when prisoners were rehabilitated and ready to return to society. The legislature abandoned this practice in 1977 in favor of setting fixed sentences for specific crimes. Punishment, not rehabilitation, became the primary function of imprisonment. In subsequent years, the legislature regularly increased the length of prison terms and required mandatory sentences for a host of criminal offenses. The toughest of the new measures was the "three strikes and you're out" law of 1994; it ordered judges to send repeat felony offenders to prison for 25 years to life, even if their last offense was relatively minor and nonviolent.

The results of the new sentencing policies were soon apparent. The state's prison population increased more than sevenfold between 1980 and 2000 and the number

of prisons nearly tripled. To house this exploding population, the Department of Corrections opened an additional 22 state prisons. The new prisons, however, were unable to keep pace with the growth in the number of inmates. By 2006 the prisons were at about 200 percent of capacity, suffering from what one corrections spokesperson called "a population crisis." The state's overburdened penal system ranked as the third largest on the planet, eclipsed only by those of China and the United States. Meanwhile, California also incarcerated a higher percentage of its juveniles for longer periods of time than any other state in the nation. Barry Krisberg, president of the National Council on Crime and Delinquency, reported that California's incarceration rate was the highest in the world.

Whether the state's tougher sentencing policies and increased rate of incarceration caused a reduction in crime became a matter of widespread public debate. The overall crime rate in California decreased steadily through the 1990s and early 2000s, proof to many that locking up more criminals had reduced crime. Others were not so sure. "It's quite impossible to authoritatively suggest what causes short-term changes in the crime rate," cautioned a UC Berkeley criminologist. Another expert noted that demographic factors in California had a greater impact on the crime rate than did incarceration. The state's rate of violent crime followed more closely the declining proportion of young males in the population—those most likely to commit crimes—than it did the increasing rate of imprisonment. As California's population aged, its crime rate diminished.

Meanwhile, critics complained that a disproportionate share of the state's fiscal resources was being spent on corrections. More prison guards were hired in the 1990s than all other state employees combined, and the annual allocation for the Department of Corrections was the fastest-growing portion of the state budget. (Not coincidentally, the union of correctional officers became a major player in California politics; its lobbying efforts in Sacramento were highly effective.) The superintendent of public instruction protested that California was building "Cadillac prisons and jalopy schools." In spite of its swollen budget, the Department of Corrections came under withering criticism for its overcrowded prisons and failure to provide adequate health care for its inmate population. A federal judge in 2005 ordered a takeover of the prisons' mismanaged health care system, citing "horrifying" conditions, "abysmal" treatment, and outright cruelty and depravity. "The harm already done to California's prison inmate population," the judge concluded, "could not be more grave."

The spiraling costs of California's prisons led to a renewed search for more cost-effective means of reducing crime. Observers began to question the state's decision in the late 1970s to emphasize punishment over rehabilitation. Inmates in the state's prisons were receiving little preparation for their inevitable return to society; as a result, many ex-convicts on parole soon returned to a life of crime. The prisons and parole system thus became revolving doors. The rate of parolees returning to prison was *30 times higher* in 2000 than in 1980; by the early 2000s, the state had one of the nation's highest recidivism (relapse) rates. Governor Arnold Schwarzenegger recognized the gravity of the situation and ordered the name of the state's prison system changed in 2005 to the Department of Corrections and