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Only The Guilty Go Quietly To The Gallows.

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PAMPHLETS FOR A BETTER HUMANKIND Addressing The Micro- And Macro-Problems Facing Humankind, And Providing Achievable Solutions; Going Where The Politically Correct Dare Not. (While the SOLUTION offered herein may not be a panacea, and may be provocative, it is offered as a positive step to correct the problem presented.)

MAKING CALIFORNIA PRISONS SAFE FOR PRISONERS AND STAFF

David Scott Harrison, (c) 2008

California prisons (California Department Of Corrections And Rehabilitation) ("CDC&R") are the most crime ridden prisons in all the United States. It's no wonder. California's prison system is bursting at its seams, with the best behaved prisoners double-celled, stuffed into dorms, and in every nook and cranny crammed together like so many sardines in a tiny can (NOTE: The exceptions are those inmates who beat, rape, or even murder cellmates. Those aggressors are eventually rewarded with single-cell assignments in general population). Violence and criminal activities of all kinds occurring within California's prisons go unchecked and mostly unpunished. Felonious conduct in free society results in the guilty person losing his freedom by being removed to prison, thus making free society just a little bit safer. The same effect should follow from the cause when a prisoner engages in felonious conduct. But it doesn't. Unfortunately, within prison, felonious conduct seldom results in corrective punishment by prison staff, and is rarely prosecuted by outside law enforcement authorities. It is as if prison staff view felonies by prisoners as innate to the prison environment and a necessary element to justify their positions. Overworked prosecutors seem to have more important things to do than concern themselves with prisoners committing felonies within the prisons of California.

Ninety percent of prisoners do not engage in violence or criminal acts. But ten percent do. Yet, at any given time seventy percent of California's prisons are on lock-down due to violence or other criminal activity; the most suffering for the actions of the few. Almost all California prisons, when not locked-down, operate on various arrangements of Split Tier programs, e.g., allowing only one-half of prisoners out of their cells on certain days, with the other one-half of the prisoners out of their cells on alternating days. Split Tier programs were implemented in an attempt to lessen the violence and criminal activities that pervade California's prisons. Despite the same number of staff watching over only one-half of the prisoner population at any time, the violence and crime occurring inside California's prisons is seemingly as much beyond control as ever: trafficking of narcotics; drug use; manufacturing and drinking of alcohol; territorial disputes; gambling; extortion; rapes; assaults and batteries upon staff and prisoners; thefts, robberies; protection rackets; loan sharking; stabbings and murders of staff and prisoners; ad nauseam. The worst prisoners, when punished, are soon returned to general population yards where they continue to impose their violent and criminal behaviors on staff and the majority of prisoners who are trying to do their sentences within the rules and, preferably, in a safe environment. Worse yet, prisoners are well aware, and bank on the reality, that prosecution by local law enforcement authorities for criminal conduct within prison is the exception, not the rule. As a result, California's prisons teem with violence and crime, thus jeopardizing the safety and security of staff and prisoners alike.

THE SOLUTION: Enact laws to deepen the ranks of law enforcement authorities and create teams of prosecutors whose focus is on prosecuting felonies unique to the prison setting. Law enforcement would then aggressively prosecute prisoners who engage in any felonious conduct. Prisoners convicted of any prison felony would suffer corrective punishment and be removed to a long-term secure setting; felonious conduct would not be strictly limited to felonies within prison fences and walls, but would include conspiracies and any felonious conduct impacting or intending to impact the prison, such as conspiracy to introduce narcotics into the prison, regardless of whether any narcotics ever successfully entered the prison. The law would also cover felonies committed in free society where a prisoner is convicted of having pulled the strings resulting in the crime. Severe punishments must follow the felony conviction.

A prisoner convicted of any prison felony would receive an enhancement of a flat twenty-five years sentence to run consecutive to any sentence received for the actual felony and the sentence already being served. Specifically, say a prisoner is serving a First Strike sentence of three years. That prisoner is then prosecuted and convicted of any prison felony. A sentence on the felony conviction might carry a mid-range term of four years (doubled as a Second Strike, if applicable, to eight years). That prisoner now has to serve the remainder of his original three years, plus four (or eight) years consecutive. Additionally, as a result of the new law, that prisoner would also receive an enhancement of a flat twenty-five years to be served consecutive to all other terms. This sentencing scheme would result in a prisoner who is serving a Second Strike sentence, who then commits a prison felony, receiving a Third Strike twenty-five-years-to-life sentence, plus a consecutive flat twenty-five years under the new law enhancement.

To make prisons safer for staff and prisoners, the law would also require that a prisoner convicted of any prison felony be immediately removed from general population and placed into a Special Housing Unit ("SHU") or Disciplinary Segregation Unit for at least five years in addition to any other SHU/Disciplinary Segregation Unit time imposed as a result of the felonious conduct. Upon completion of the SHU/Disciplinary Segregation Unit term(s) the prisoner would be required to serve a minimum of five years at a Level Four institution before being eligible for transfer to a lower Level institution. The law would explicitly prohibit the CDC&R/prison staff from rewarding any prisoner prosecuted and convicted of battery, rape or the murder of a cellmate, or any other prison felony, with single-cell status; such prisoner would remain in the SHU/Disciplinary Segregation Unit until such time that he is able to program in general population, e.g., peacefully double-celled and rule abiding, as is required of all prisoners. Enacting laws, as outlined herein, that punish, and remove from general population, those prisoners who impose their violent and criminal behaviors on staff and other prisoners would result in a safer and more secure prison environment for staff and prisoners alike.

If you have any questions or comments, or would like to correspond with Dave, please

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