# The Inmate Bill of Rights and the California Model Can Transform Prison Rehabilitation

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## Introduction

Imagine a prison system which provides education, self-help groups, quality medical care, a balanced diet and family bonding programs with the idea of supporting and encouraging rehabilitation. Wouldn't it be beneficial if the 98,600 people who are housed within the California Department of Rehabilitation (CDCR) were better prepared to live positive and productive lives after release? With a 41% recidivism rate (CDCR-recidivism-report, p. 1), the current way CDCR is managed has not created an environment which successfully rehabilitates. Similarly, in California in 1968, the Inmate Bill of Rights was signed into law (Morain, 1994, pp. 17-27), which granted a certain set of rights which the California Department of Corrections and Rehabilitation (CDCR) had to adhere to beyond the protection of constitutional laws for incarcerated people. These rights were in the California penal code which focused on adequate food, visiting, medical, books and periodicals (Bergerson, 1972 p.3). At the time this was a way for California to ensure that a certain set of rights were afforded to inmates in an attempt at facilitating their rehabilitation. However, this relatively enlightened period ended in 1994, when CDCR started to follow the Federal Standard which changed the focus from rehabilitation to custody. Under the federal standard, wardens can impose restrictions if they are "reasonably" related to some prison interest (Morain, 1994, p.36). In a 2007 report, Governor Arnold Schwarzenegger's Rehabilitation Strike Team stated, "The correctional culture is now focused mostly on custody concerns rather than rehabilitation" (Strike Team, 2007, p. 10).

The California model draws on national and international best practices to change and improve the corrections environment through staff training and other resources (cdcr.ca.org). For instance, the Norway prison system has been an exemplary model for rehabilitation which has influenced other prison systems. The Norwegian jail is regarded as one of the most innovative and humane jails worldwide and serves as an example for efforts to reform jails and engage in prisoner rehabilitation (Negi & Tripathy, 2023, para. 3).

The California model is inspired by the Norwegian system due to the success rates in rehabilitation and re-entrance into society. Through rehabilitative programs like education, self-help groups, improved medical and an inclusive environment the California model intends to create life inside the prison system which can closely resemble life outside the system (CA-Model—Magazine/cdcr.ca.org). Through examining two different eras of rehabilitation, this paper will propose how integrating The California model can foster a rehabilitative environment that mirrors life outside prison, ultimately reducing recidivism and ensuring a safer society.

## From The Inmate Bill of Rights to the Federal Standard

In 1968, the Inmate Bill of Rights signed by Governor Ronald Reagan, was a significant step towards emphasizing rehabilitation rights. Then, in 1974, Governor Edmund G. "Jerry" Brown expanded the Inmate Bill of Rights into what it is today. The intention of the Inmate bill of rights was to create a system of rehabilitation instead of simply punishing individuals for the crimes they have committed. For example, if an incarcerated individual wanted to educate themselves, they could purchase the materials they needed, without restrictions. Not only did the inmate bill of rights state that incarcerated people retain the same rights as someone who is not incarcerated but also limited the way the can limit those rights (Morain, 1994, para.12). This meant that institution institutions dealing with staff shortages, inmate behavioral issues or budget problems could not simply impose prison lockdowns but rather had to find alternative ways of prison management. This was the problem Prison Officials had with the Inmate Bill of Rights because it limited the control of CDCR and made sure incarcerated people had rights which should be protected. In an interview with Department of Corrections attorney Pam Smith- Steward for the Los Angeles Times Newspaper, Smith-Steward states, "The (California) law says we may only restrict inmate rights if we can show a security link," Smith-Steward said. "It isn't right. It's insidious" (Morain, 1972, para. 15).

Although the Inmate Bill of Rights had initial success, there was a growing presence of opposition. Since 1987, the Department of Corrections has tried to dismantle it, however they have had limited success (Morain,1994, para. 33). In 1994, the societal perception of the Inmate Bill of Rights shifted after the kidnapping and murder of 12-year old Polly Klaas by former inmate, Richard Allen Davis. The Inmate Bill of Rights became a symbol of "coddling" in the criminal justice system (Ibid), which led California's legislatures to introduce new bills to repeal it." For example, Robert B. Presley (D-riverside)

introduced a bill to the Senate which would abolish the inmate bill of rights and lower the cost of prison spending (Morain,1994 para. 35). In addition, the California Assembly with the support of Governor Pete Wilson was working on similar bills to repeal the inmate bill of rights and adopt the federal standard (*Ibid*). This has led to the United States Supreme court to allow prison officials broad authority to restrict general federal constitutional rights and continually supports "reasonably related to legitimate penological interest" ideology (Mackay, 2019, p. 43). Prison officials prioritize security and lockdowns over rehabilitation efforts, creating a loophole that allows programs like education, self-help groups, and visitation to be canceled instead of finding alternative solutions. The federal standard poses a challenge to prison rehabilitation reform.

# Implementing the California Model

In 2024, Governor Gavin Newsom introduced a new structure for CDCR called the California Model, through Executive Order N-16-22, to renew rehabilitation efforts. (CDCR/strategic-plan/cdcr.ca.org, p.1). The California Model uses a theory called "normalization" which was adopted from the Norwegian Model (cdcr.org).

The "normalization" theory, which strives to make the prison environment as comparable to life outside of prison as is humanly possible, serves as the cornerstone of the prison system in Norway. This concept aims to mitigate the adverse effects of imprisonment and boost the likelihood of a successful return to society (Negi & Tripathy, para.3).

Through dynamic security, peer support, education programs, and a trauma-informed approach, the California Model creates a rehabilitative system that mirrors society outside prison. Providing adequate education, medical care, and self-help groups without the limitations of traditional prison systems, like lockdowns. However, one glaring weakness of the California Model is addressing staff shortages and inmate behavioral issues. The California Model magazine recognizes significant limitations, by stating," The CA model is not going to stop all bad days or violence within our system, but it will hopefully reduce the number of bad days and violence our staff experience now" (cdcr.org, 2024, p. 2). One can argue that even with this pioneering initiative the California model cannot live up to its expectations because the California

prison system is still under the federal standard. This standard is very much an institution centered ideology; the institution's needs come before the rehabilitation of incarcerated individuals. Without the removal of the federal standard and the reintroduction of the Inmate Bill of Rights, it is questionable if the California Model will ever come to fruition.

# Conclusion

Governor Brown expanded the Inmate Bill of Rights to change the trajectory of California's prison system and emphasize rehabilitation. There were many issues with the system that were seen through the behaviors of the incarcerated individuals, which called for reform. In a 1985 Los Angeles Times article called California's Increasingly Violent Prisons author John Hurst reported, there is an increase in violence in California overcrowded prisons with assault against both inmates and staff alike (Hurst, 1985, para. 10). Hurst continued to write, "There are not enough jobs or opportunities for training, education and recreation" (Hurst, 1985, para. 51). Even with the best intentions, the inmate Bill of rights without proper rehabilitation programs will still see negative behavior continue which limits the ability to rehabilitate. Broadening rehabilitation opportunities will be challenging if these limitations persist. With 90% of incarcerated people returning to their communities (CDCR, 2024, p. 9), prisons must support personal growth and goal achievement. In addition, when an incarcerated person engages in rehabilitative programs their recidivism rate is between 26.1%-21.1% (CDCR-recidivism-report, n.d., p. 6). This shows that individuals who engage in these programs while incarcerated are less likely to return to prison, which in turn, creates a safer society. Achieving this goal requires removing the federal standard and reinstating the Inmate Bill of Rights while the California Model is being introduced in California State Prisons. This way neither the incarcerated population nor prison officials could interrupt someone's ability to rehabilitate and finally successfully reintegrate back into society.

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