

Assessing the CCPOA's political influence and its impact on efforts to reform the California corrections system

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Abstract

Over the last twenty years, prison reform has an increasingly vital priority for the state of California. With skyrocketing deficits and a prison population that is growing inexorably, exploring criminal justice solutions outside of the traditional law and order “lock –em up” paradigm is becoming indispensable to the state’s fiscal stability. Reforming three strikes and emphasizing more rehabilitation, for example, are the types of reforms that might hold promise for reducing California’s prison population. This paper examines what many perceive to be an obstacle to reform: the California Correctional Peace Officers Association (CCPOA)--the Prison Guard Union. More specifically, it explores how the CCPOA developed into the state’s most formidable labor union, how it uses that power to influence elections, and the implications of its power on the wider corrections debate and prospects for change.

INTRODUCTION

Capitalizing on a wave of intense voter frustration with a political system awash in corruption, cronyism, and special interest cash, Arnold Schwarzenegger was swept into the governor’s mansion in 2004 with a simple but bold mandate: to clean up the “mess” in Sacramento. Confronted with a mammoth budget deficit approaching \$30 billion and a hostile legislature resistant to change, the new governor quickly learned that his sweeping promises would require painful political choices—choices that would antagonize entrenched special interests and their patrons in the legislature. Amid this daunting political and fiscal backdrop, prison reform emerged as a central issue on the governor’s agenda.

California’s bloated and dysfunctional corrections system epitomizes what is wrong with state government---hopelessly inefficient, captive of special interests, and growing beyond its means. Costing taxpayers more than \$7.1 billion a year and housing over 165,000 inmates, the California prison system is a fiscal time bomb that threatens to swallow up other state priorities.¹ For the governor to fulfill his promises to both tame the deficit and invest in education, it has become increasingly clear that overhauling the state’s corrections system will be vital priority.

Nearly two years after the recall, however, progress has been frustratingly slow. This paper examines what many commentators and policy analysts view to be one of the chief obstacles to reforming the California corrections system: the California Correctional Peace Officers’ Association (CCPOA). Specifically, this paper addresses how the CCPOA came to wield such broad political influence and how that influence has impacted reform efforts. Key themes include the CCPOA’s emergence as one of the state’s most powerful unions and how its lobbying and political activities have contributed to California’s growing prison population. While the CCPOA shouldn’t shoulder all the blame for the state’s corrections failures, the research reveals the union to be a stubborn opponent of change. Consequently, no reform agenda can realistically succeed that doesn’t address this group’s political might.

Overview of the CCPOA

The CCPOA began in 1957 as the California Correctional Officers Association. Prior to the 1980s, the group was politically weak, with a membership divided between the California State Employees’ Association and the California Correctional Officers’ Association. The 1980s, however, marked a fundamental shift in the union’s political reach when Don Novey assumed control of the organization. Under his leadership, the Youth Authority Supervisors, parole officers, and prison guards were consolidated under one organizational umbrella; membership

¹ Institute of Governmental Studies, U.C. Berkeley. (2005). *California Correctional Peace Officers Association*. Retrieved from <http://www.igs.berkeley.edu/library/htCaliforniaPrisonUnion.htm>

soared as a result.² Novey also launched an aggressive PR campaign, spending over half a million dollars a year during the 1980s to boost the union's public profile. These organizational changes coincided with external political and social developments that would become instrumental to the CCPOA's growth strategy. First, crime in California began to surge. Fueled in part by demographic changes, both youth and violent crime peaked in the 1980s. Politicians responded to the resulting public anxiety by advocating punitive, "tough on crime" initiatives which led to dramatic increases in arrests, particularly for drug crimes. The surge in arrestees in turn spurred a prison building boom—of the 31 prisons in California, 21 have opened since 1984.³ The legacy of these mutually reinforcing trends is startling: an inmate population that leads the nation at 165,000, up 35,000 since 1995 at a cost in 2004 of \$5.7 billion, and a tripling in the number of California prisons since 1980.⁴ According to one estimate, the cost of feeding and housing each California inmate is nearly \$31,000 a year, far in excess of the national average⁵. Not surprisingly, the escalating inmate population and prison costs have occurred in lockstep with the CCPOA's swelling ranks, budget, and political power. The number of prison guards currently stands at approximately 31,000. Meanwhile, average guard salaries have skyrocketed, from \$14,440 per year in 1980 to \$54,000 in 2002—with overtime, it is not uncommon for guards to earn in excess of \$100,000.⁶ The state corrections budget has experienced a corresponding explosion, from \$923 million in 1985 to \$5.7 billion in 2004.⁷

The CCPOA has leveraged these mutually supporting social and political trends toward creating one of Sacramento's most formidable political machines. In 2002, the union ranked 5th among California labor groups in donations to state candidates, contributing nearly \$1.5 million, according to the Institute on Money in State Politics. Governor Gray Davis, for example, received more than \$3 million from the prison guard union.⁸ The formula is simple: more prisoners leads to more prisons; more prisons require more guards; more guards equal more fundraising capability; fundraising, of course, translates into political influence. The unfortunate result for California taxpayers is a fiscally unsustainable status quo.

Wielding influence: What candidates and initiatives does the CCPOA support?

The foundation of all political influence is money, and the CCPOA's chief source of funding is its substantial membership. According to the Center on Juvenile and Criminal Justice, 97 percent of CCPOA personnel are organized.⁹ As of 2002, members pay \$59 a month in dues, while non-members pay a monthly "agency" or "fare share" fee.¹⁰ With thirty-one thousand members, these dues translate into collections of \$1.8 million a month and \$21.9 million a year in dues.¹¹ The CCPOA's vast war-chest serves as the foundation for its increasing power and influence. CCPOA political activity exceeds that of other labor unions: In the 1998 and 2000 election cycles, for example, it outspent the California Teachers' Union (CTA) with only a tenth of the membership.¹²

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ Schmidt, Steve. (April 18, 2005). Troubled System: Governor Faces Uphill Battle Reforming Prisons. *San Diego Union-Tribune*.

⁶ Institute of Governmental Studies, U.C. Berkeley. (2005). *California Correctional Peace Officers Association*. Retrieved from <http://www.igs.berkeley.edu/library/htCaliforniaPrisonUnion.htm>

⁷ *Id.*

⁸ Martin, Mark & Podger, Pamela. (February 2, 2004). Prison guards' clout difficult to challenge. *San Francisco Chronicle*.

⁹ (November 15, 2005). Political Power of the CCPOA. *Center on Juvenile & Criminal Justice*. Retrieved from http://www.cjcr.or/cpp/political_power.php

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

The CCPOA lathers money on all branches of California government and heavily subsidizes affiliate groups that share similar priorities, most notably victims' rights groups. Moreover, the CCPOA is not driven by partisan allegiances—it contributes heavily to both political parties. During the 1994 election cycle, the CCPOA contributed \$425,000 to Republican Pete Wilson—reportedly the largest single donation ever made to a California candidate—until this figure was eclipsed by the more than two million dollars contributed to Democrat Gray Davis in 2002.

CCPOA political contributions flow from the union's four political action committees: the CCPOA independent expenditures committee (the principal committee for funding statewide candidates and initiatives); the CCPOA issues committee (provides soft money to state political parties, advocacy groups, and initiatives); and two local PACs that contribute primarily to local candidates (district attorneys) and causes. The following chart illustrates the breadth of CCPOA political activity during recent election cycles:¹³

Date	Recipient	Amount	
2005-1006	Alliance for a Better California	\$1.9 million	
2005	Californians For Tax Fairness	\$250 thousand	
2005	No on 75	\$100 thousand	
2005	Californians United For Public Safety (No on 66)	\$40 thousand	
2005	Alliance for a Better California	\$1 million	Note: The union maintains four distinct PACs—this contribution was made by the CCPOA Political Action Committee; the \$1.9 million contribution was made by the CCPOA Issues Committee
2004	No on 66	\$500 thousand	
2002	California Democratic Party	\$100 thousand	
2002	California Republican Party	\$30 thousand	
2002	Gray Davis	\$2 million (approx.)	
2000	Californians United Against Drug Abuse (Prop. 36)	\$50 thousand	
1998	Senator John Burton	\$200 thousand	
1998	Cal. Dem & Republican Parties	\$100 thousand to each	
1998	No on 226 (prevents unions and employers from taking money from members or employees' paychecks for political purposes w/out their consent)	\$100 thousand	

¹³ Data retrieved from <http://cal-access.ss.ca.gov/Campaign/Candidates/>

1998	Doris Tate Crime Victims Bureau	\$175,000	
1998	Allen Pross, Crime Victims United of California Executive Director	\$130,000	
1998	Native American Peace Officers	\$90,000	
1998	Gray Davis	\$946,000	

The pattern of political contributions illustrated above starkly affirms the CCPOA’s extensive influence and provides ammunition for critics who accuse the union of opposing common sense reforms. Additionally, these figures reveal the willingness of the CCPOA to collaborate with traditional rivals—such as the California Teachers Union—to oppose reform efforts that would curtail its influence—most notably Governor Schwarzenegger’s recent spate of initiatives.

The nearly \$2 million contributed to the Alliance for a Better California, for example, was spent to defeat the governor’s reform initiatives in 2005. According to its website, the Alliance is “a coalition of nearly 2.5 million teachers, firefighters, nurses, police officers, healthcare workers, and average, every day people who are devoting our careers to helping others...”¹⁴ This contribution is significant for two reasons: 1) it demonstrates the willingness of the CCPOA to form alliances with historical rivals to defeat initiatives that threaten the collective political clout of California labor unions; and 2) it reflects the CCPOA’s continuing political dominance despite rising public antagonism toward “special interests” and the perceived “business as usual” climate in Sacramento. Prior to the 2005 referendum, some experts, such as Boalt Hall’s Professor Frank Zimring, predicted a sharp decline in the CCPOA’s political influence following a decade of unprecedented generosity from Sacramento political patrons during the 1990s.¹⁵ Zimring argues that a unique confluence of events—specifically the passage of Three Strikes in 1994 and Gray Davis’s subsequent victory in 1998 on the heels of substantial financial support from the CCPOA, created a political atmosphere that was unusually hospitable to CCPOA priorities.¹⁶

Recognizing the instrumental role the CCPOA played in reviving Pete Wilson’s flagging re-election prospects in 1994 by tapping into voter angst over crime, Davis embraced similarly aggressive tough on crime themes in his campaign and, once in office, zealously catered to CCPOA interests—such as approving a five year labor agreement that could eventually increase annual prison-guard salaries to \$73,000 and includes provisions that allow guards to dictate which shifts they work and a relaxation of sick-leave requirements.¹⁷ Zimring characterizes the 1990s as a historical aberration—an unlikely convergence of forces (budget surpluses, punitive public attitudes toward crime, and a union friendly governor) that was destined to unravel.¹⁸ He cites the recall as the end of the budget free-for-all for California unions: facing a public backlash against Davis and the culture of cronyism his administration embodied, the CCPOA would be forced to scale back its influence.¹⁹ As a Republican enjoying strong public support and a mandate built on anti-establishment sentiment, Governor Schwarzenegger “doesn’t have the same vulnerabilities as

¹⁴ Retrieved from: www.betterca.com

¹⁵ James, Stephen. March, 17, 2005. *Decline of the Empire*. Retrieved from <http://www.newsreview.com/sacramento/Home>

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

Davis,” according to Zimring.²⁰ Schwarzenegger’s Republican label combined with the public’s decreasing preoccupation with crime gives him more latitude to challenge the status quo on criminal justice issues and pursue moderate, cost effective reforms with little fear of political retribution.²¹

The 2005 special election, however, reveals this analysis to be shortsighted. Schwarzenegger’s initial burst of momentum has dissipated amid Sacramento’s stubborn political realities. Despite proclaiming in his 2005 State of the State Address that the California correctional system was burdened by “too much political influence, too much union control, and too little management courage,” the governor has failed to implement meaningful corrections reforms or lessen the CCPOA’s political grip.²² After a series of missteps, Schwarzenegger’s political standing now parallels Davis’: he currently ranks among the most unpopular governors in California history, with an approval rating of 31 percent (Davis’ approval stood at 22 percent in August, 2003).²³

The CCPOA shouldered much of the credit for reversing the governor’s political fortunes. Collaborating with the state’s other labor unions and spending over \$2 million to engineer a stunning, across the board defeat of the governor’s initiatives in the special election, the CCPOA sent a resounding signal to the political class of its abiding capacity to shape public attitudes and control the state’s agenda. Apparently, the predicted decline in the CCPOA’s political power was misguided. More importantly, the 2005 Special Election demonstrated the CCPOA’s resiliency—its ability not only to respond to prevailing political conditions, but shape them as well. The governor’s declining popularity, for example, is in part a byproduct of the CCPOA’s masterful public relations campaign. More than any of his predecessors, Schwarzenegger staked the success of his administration on the outcome of a special election, mortgaging his political capital and personally identifying himself with the initiatives. Ultimately, the election became a contest between the governor and the “special interests” arrayed against him. The governor lost.

By joining forces with more sympathetic interests—teachers and nurses—the CCPOA played a critical role in undermining public support for the initiatives. The dramatic election results illustrated the CCPOA’s ability to influence elections even when crime is not a dominant theme.

Influencing state & local races

The CCPOA political machine is equally aggressive at the local level. Between 1996 and 2000, the CCPOA gave at least \$108,000 to local district attorneys.²⁴ Why does the CCPOA invest so heavily in local races? There are two views: according to the Center on Juvenile and Criminal Justice, the CCPOA involves itself locally to stave off prosecutions of corrections officers accused of abuse or misconduct.²⁵ Between 1989 and 1999, 39 inmates were shot to death, and 200 more were wounded. Not one district attorney in the state prosecuted a correctional officer for any of these assaults.²⁶ For example, when Greg Strickland, former district attorney in Kings County (home to Corcoran state correctional facility) attempted to take a brutality case to the grand jury, the CCPOA provided his opponent with \$30,000 in the next

²⁰ *Id.*

²¹ *Id.*

²² Governor Arnold Schwarzenegger. January, 2005. *State of the State Address*. Retrieved from www.governor.ca.gov

²³ Wildermuth, John. (June 21, 2005). Support for Governor Plunging. *San Francisco Chronicle*.

²⁴ (November 15, 2005). Political Power of the CCPOA. *Center on Juvenile & Criminal Justice*. Retrieved from http://www.cjcj.or/cpp/political_power.php

²⁵ *Id.*

²⁶ *Id.*

election, leading to Strickland's defeat.²⁷ Similarly, Bill Cornell, the district attorney of Del Norte County (home of Pelican Bay State Prison) was targeted by the CCPOA after he successfully prosecuted guard Jose Garcia for orchestrating inmate-on-inmate assaults and other wrongdoing.²⁸ The CCPOA provided Cornell's opponent with \$20,000—reportedly the largest contribution ever made in the rural county.²⁹

The CCPOA, on the other hand, posits a much more innocuous explanation for its involvement in local races: According to CCPOA Vice President Lance Corcoran, the union gets involved in local district-attorney races to establish early bonds with local leaders who may move up the political ladder in the future.³⁰ Moreover, Corcoran claims that the union specifically targeted Strickland and Cornell because they were investigating or prosecuting guards, and not prosecuting prisoners who assaulted staff.³¹ Both Strickland and Cornell emphatically deny the charges, citing their strong records of prosecuting inmate crimes.³²

The state legislature attempted to respond to the CCPOA's perceived political intimidation of local DAs by introducing SB451 in 1999, a bill that would have removed prison brutality cases from the purview of local prosecutors and placed them in the hands of the attorney general. SB451 passed the Senate, but, predictably, met intense opposition from a single enemy—the CCPOA—and died in the Assembly's Public Safety Committee.³³

Members of the state legislature who have been at the forefront of prison reform have also been targeted by the CCPOA. State Senator Jackie Spier is the legislature's most aggressive proponent for corrections reform as well as a vocal CCPOA critic. From her post on the Senate Select Committee on Government Oversight, she has launched investigations into how the California Department of Corrections spends its money and introduced a series of bills aimed at prison reform.³⁴ Unfortunately, her efforts have largely been in vain: few of her proposals, including a recent bill that sought to prevent the building of new prisons until officials reduce the recidivism rate, have been embraced by her colleagues out of fear of political retribution from the CCPOA.³⁵ Now running for Lt. Governor, Spier contends the union has vowed to spend \$1 million to defeat her.³⁶

In contrast, the CCPOA has lavishly supported its political allies in the legislature. Senate Majority Leader John Burton, for example, who sponsored a bill in 2002 that lifted correctional officer salaries as high as \$73,000, received \$200,000 from the CCPOA during the 1998 election cycle.³⁷

The CCPOA and Victims Rights Groups

In any political contest dealing with corrections issues, the CCPOA enjoys an inherent advantage that is the bane of prison reform generally—prison inmates are among the least

²⁷ Lockyer loses a round; Guards defeat effort to bolster prison prosecutions. *The Fresno Bee*. July 18, 1999.

²⁸ James, Stephen. March, 17, 2005. *Decline of the Empire*. Retrieved from <http://www.newsreview.com/sacramento/Home>

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ Katayama, Lisa. (July 7, 2005). Reforming California's Prisons: An interview with Jackie Spier. *Mother Jones*.

³⁵ *Another View: Prison Reform*. (September 2, 2004) Retrieved from www.vvdaily.com;

³⁶ James, Stephen. March, 17, 2005. *Decline of the Empire*. Retrieved from <http://www.newsreview.com/sacramento/Home>

³⁷ (November 15, 2005). Political Power of the CCPOA. *Center on Juvenile & Criminal Justice*. Retrieved from http://www.cjcj.or/cjp/political_power.php

sympathetic figures in our political system. Reforming three strikes and placing more emphasis on rehabilitation to reduce the prison population might be objectively sound policy proposals, but as long as reformers are vulnerable to being branded as “soft on crime” and voter fears can be stoked by ominous warnings about “revolving doors” and impending crime waves, achieving fundamental change in how we manage prisons will remain an elusive goal. The Special Election demonstrated that even Republicans, who have historically been viewed as more credible and hard-headed on crime, are not insulated from this longstanding staple of American political demagoguery.

Prison guards are not exactly voter favorites either—they don’t benefit from the romanticized air of virtue and self-sacrifice associated with farmers, teachers, and police officers, for example. Still, when pitted against inmates and criminals, there is no contest. The CCPOA has deftly exploited voter fears of crime, opposing efforts to reform Three Strikes and aligning itself with victims groups to sustain the “lock ‘em up” status-quo.

Additionally, they have cultivated an image of professionals under siege—working the “toughest beat in California,” they face constant dangers from a violent and unruly population. Voters might be fed up with the state’s budget mess, but when confronted with the CCPOA’s slick propaganda machine, they are reluctant to support progressive corrections reforms—regardless of the savings.

CCPOA & Three Strikes

Enacted in the wake of the Polly Klaas abduction in 1994, California’s three strikes law is a classic example of voter overreach—irrational fears producing bad policy. The CCPOA was one of Proposition 184’s early backers and biggest financial boosters.³⁸ Congressman Michael Huffington was the initiative’s principal donor, followed by the CCPOA, which contributed \$101,000.³⁹ Why would a labor union, whose traditional function is to negotiate contracts and promote better working conditions for its members, involve itself so heavily in a sentencing initiative —particularly one that would seemingly impose a greater burden on its members? Critics contend that the CCPOA is simply seeking to expand the prison population to boost the number of guards. The CCPOA counters that Three Strikes is a sound, aggressive response to revolving door sentencing.

However, the legacy of Three Strikes has been mixed. Under Proposition 184, which passed with 72% of the vote, a person who committed one prior violent or serious offense and who committed any new felony could receive twice the normal prison sentence for the new felony (the “second strike”).⁴⁰ A person who committed two or more prior violent or serious offences and then committed *any* new felony would automatically receive 25 years to life in prison.⁴¹ While the law has kept more felons locked up longer—some assessments of the law’s impact have concluded that major crime in California has decreased by 50% or more since the law’s implementation—the cost has been staggering.⁴² According to a report from the Legislative Analyst, almost fifty thousand inmates were imprisoned as second and third strikers by September 1999.⁴³ Critics also blame Three Strikes as at least partly responsible for the state’s skyrocketing prison budget—from \$1 billion to over \$6 billion between 1983 and 2004.⁴⁴ Finally, the law has come under fire for its disproportionate impact on non-violent offenders: By December 31, 2001, California had convicted 7,072 people for Third Strike offenses and 34,656

³⁸ (November 15, 2005). Political Power of the CCPOA. *Center on Juvenile & Criminal Justice*. Retrieved from http://www.cjcj.or/cpp/political_power.php

³⁹ *Id.*

⁴⁰ *Proposition 66: Limitations on Three Strikes Law*. Retrieved from www.igs.berkeley.edu/library/htThreeStrikesProp66.htm

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

people for second strike offenses, with the highest offense rate by second and third strikers being for possession of a controlled substance rather than violent crimes.⁴⁵

Three Strikes' disparate impact on non-violent offenders and its huge costs inspired reformers to introduce Proposition 66 in 2004, which sought to limit felonies that could trigger second and third strikes to violent or serious crimes.⁴⁶ By 2004, the political climate in California had shifted considerably---crime no longer dominated voter concerns and the public seemed receptive to pragmatic, cost-effective corrections solutions. A June, 2004 field poll found 76% of respondents in favor of Prop. 66.⁴⁷ However, despite this early public support, an array of prominent figures coalesced in opposition to the measure, including Gov. Schwarzenegger, Attorney General Lockyer, the CCPOA, and assorted victims' rights groups. As noted in the previous chart, the CCPOA contributed over half a million dollars to defeat the measure and funneled additional support to victims rights groups. The governor campaigned aggressively against the proposition, warning voters that passage would release "26,000 dangerous criminals," a figure disputed by two neutral analyses of the measure's projected impact.⁴⁸ On election day, the measure was soundly defeated by five percentage points.⁴⁹

It is not clear whether the Governor's opposition to Prop. 66 was rooted in legitimate policy considerations or simply a strategic political calculation intended to avoid alienating key segments of his base. Perhaps the governor wanted to avoid expending precious political capital early in his term that would weaken his position in later, more important budget fights. In light of the governor's professed commitment to challenging the status quo and confronting the state's fiscal crisis, his opposition to a measure that held real promise for alleviating an over-burdened prison system was puzzling.

Prop. 66's demise illustrates the formidable political obstacles that face progressive criminal justice reforms. Because initiatives such as Prop. 66 are uniquely susceptible to distortion and demagoguery, and their supporters vulnerable to being tarred as "liberal" or worse, politicians will continue to be reluctant advocates for such measures. Meanwhile, the CCPOA will continue to exploit voter prejudice against prisoners to undermine reform efforts.

CCPOA and affiliate groups

In addition to supporting anti crime initiatives such as Three Strikes that appeal to voter fears, the CCPOA has augmented its political influence by supporting causes and groups that appeal to voters' natural sympathy for victims. Jeff Thompson, a lobbyist for both the CCPOA and Crime Victims United of California (CVUC) explained the dynamic at work: "Nobody feels empathetic for prison guards, but everyone's got sympathy for crime victims."⁵⁰ The alliance between the CCPOA and crime victims groups such as the CVUC and Doris Tate Crime Victims Bureau (CVB) is based on similar goals: longer sentencing, tougher laws, and more rights for law enforcement.⁵¹ Crime victims' groups, however, project a much more appealing public face than burly union guards. By combining the financial muscle of the CCPOA with the public relations strengths of victims' groups, the CCPOA can advance its goals without alienating voters who would be otherwise skeptical of the union's motives.

⁴⁵ (November 15, 2005). Political Power of the CCPOA. *Center on Juvenile & Criminal Justice*. Retrieved from http://www.cjcj.or/cpp/political_power.php

⁴⁶ *Proposition 66: Limitations on Three Strikes Law*. Retrieved from www.igs.berkeley.edu/library/htThreeStrikesProp66.htm

⁴⁷ *Id.*

⁴⁸ Martin, Mark. (October 29, 2004). Schwarzenegger Steps Up Opposition to Prop. 66. *San Francisco Chronicle*.

⁴⁹ *Proposition 66: Limitations on Three Strikes Law*. Retrieved from www.igs.berkeley.edu/library/htThreeStrikesProp66.htm

⁵⁰ (November 15, 2005). Political Power of the CCPOA. *Center on Juvenile & Criminal Justice*. Retrieved from http://www.cjcj.or/cpp/political_power.php

⁵¹ *Id.*

The CCPOA is, without question, the financial and organizational lifeblood of victims' groups. For example, the CCPOA provided the CVUC with office space, telephones, attorneys, lobbying staff, and 95% of its initial funding.⁵² According to CVUC Executive Director Al Pross, "If CCPOA hadn't helped us, we wouldn't have CVUC. They saw a need for a statewide umbrella entity instead of individuals and local groups of victims each doing their own thing and they filled it."⁵³ The CCPOA was similarly generous to the Doris Tate Crime Victims Bureau, providing office space, staff, and 78% of its early funding.⁵⁴

There is nothing inherently sinister about the CCPOA teaming up with victims groups to advance its policy goals—coalition forming among groups with common interests is nothing new in politics. Critics, on the other hand, characterize the CCPOA's partnership with victims groups as a cynical tactic to piggyback off a more voter-friendly face.⁵⁵ The larger concern, however, should be policy based—does the CCPOA's alliance with victims groups obstruct sensible prison reforms? The answer to this question is a contested issue, with experts on both sides able to marshal strong arguments over whether a given reform proposal is "sensible." But, assuming that reducing the prison population and adopting a less draconian sentencing regime are critical to reducing the corrections budget, the impact of the coordinated campaign between the CCPOA and victims groups in undermining such efforts is presumably significant.

The CCPOA Public Relations Campaign

The final prong in the CCPOA's political arsenal is a well-orchestrated public relations campaign. In order to counter the stigma associated with labor unions and a recent flurry of negative press regarding corruption, staged fights in prison, abuse of inmates at the youth facilities, etc, the CCPOA has invested heavily in promoting an image of prison guards as gritty professionals who work "the toughest beat in the state." With the help of prominent public relations firms (the CCPOA has spent \$361,000 on public relations campaigns created primarily by McNally Temple Associates), the CCPOA has produced publications and commercials that highlight the brutality of inmates, portraying them as "predators" who terrorize guards with impunity.⁵⁶ One video that shows scenes of staged violence where inmates overtake correctional officers characterizes the inmate population as a "predatory element [that] is always on the hunt."⁵⁷ The guards, in contrast, are portrayed as law enforcement's unsung heroes. One scene portrays guards kissing their kids goodbye, not knowing if they will see them again.⁵⁸

Critics argue that CCPOA promotional materials exaggerate the risks faced by corrections officers to justify higher corrections salaries. The evidence, however, reveals that violence against guards has escalated of late. Statistics compiled by the California Department of Corrections show a significant increase in assaults over the past year at two of the state's six most troublesome prisons, but no major change at the other four.⁵⁹ There were a dozen assaults at the California Abuse Treatment Facility and State Prison during the first three months of 2003, though that figure increased to 20 in the final three months of 2003 and to 21 the first three months of this year.⁶⁰ On April 2, 2004, a guard at this facility was knocked to the ground and

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ (November 15, 2005). Political Power of the CCPOA. *Center on Juvenile & Criminal Justice*. Retrieved from http://www.cjcr.or/cpp/political_power.php

⁵⁷ (1996). *In Harm's Way: Life Inside the Toughest Beat in California*.

⁵⁸ *Id.*

⁵⁹ Thompson, Don. Guards the ones doing 'Hard Time,' Union says. *Associated Press*.

⁶⁰ *Id.*

repeatedly kicked in the head and body by at least four inmates.⁶¹ Explanations for the spike in assaults vary, with union spokesman attributing it to negative publicity that has emboldened inmates to lash out, while Kings County DA Patrick Hart speculates that it stems from new restrictions on smoking and other activities.⁶²

On the other hand, there is also evidence suggesting the image projected by the CCPOA of a workforce under siege is skewed. For example, while assaults against corrections officials are deplorable and underscore the hazards of prison life, the number of workplace deaths is far lower than comparable occupations. In 1999, there was one correctional officer killed in the line of duty. In contrast, machine operators and farm workers experience significantly more on-the-job fatalities while earning half the salary as corrections officers.⁶³ Similarly, other professionals that come into contact with prison elements, and presumably are vulnerable to the same threats of violence as guards, earn substantially less than guards. For example, 80% of inmates have a history of substance abuse; yet, in 2001, rehabilitation counselors earned only \$29,400.⁶⁴

The CCPOA public relations campaign, whether misleading or not, accentuates the political vulnerabilities of the inmate population—reinforcing public fears and stereotypes and perpetuating a climate that is inhospitable to prison reform. As previously mentioned, prisoners already face inherent political disadvantages, with any proposed reforms easily distorted into dangerous concessions to an unworthy population. The CCPOA's aggressive, and effective, public relations campaign is a further obstacle to generating the public support that is essential to meaningful prison reform.

The CCPOA's Impact on Specific Reform Efforts

The CCPOA's political power is obvious: it has the money, the personnel, and the visibility to shape the public agenda on criminal justice issues. More important, however, is how the CCPOA has wielded its clout to influence the fate of specific reform proposals. The CCPOA's impact on efforts to reform Three Strikes has already been thoroughly examined. But there are other issues, equally critical to reforming the corrections system, that have been impacted by the CCPOA's lobbying activity.

Parole reform

Acknowledging the urgent need to alleviate prison overcrowding and reduce costs, the governor launched a program in 2004 that would send parole violators to halfway houses or community-based drug programs instead of returning them to prison.⁶⁵ Proponents of the measure claimed that more than half of California's convicts released on parole returned to prison within two years of their release.⁶⁶ Sending non-violent drug offenders to halfway houses seemed like a sensible and innovative response to overcrowding and was applauded by progressives as a welcome departure from an inefficient, needlessly punitive status-quo. The move was supposed to signal a wider shift toward rehabilitation, with many believing that a popular Republican buoyed by a public desperate for new solutions from Sacramento would be able to overcome the political handicaps that have historically plagued progressive criminal justice approaches. But in April of last year, the governor and his corrections chief, Rod Hickman, scrapped the program, citing evidence that it wasn't working.⁶⁷ It is unclear what evidence the administration relied on in

⁶¹ *Id.*

⁶² *Id.*

⁶³ (November 15, 2005). Political Power of the CCPOA. *Center on Juvenile & Criminal Justice*. Retrieved from http://www.cjcr.or/cpp/political_power.php

⁶⁴ *Id.*

⁶⁵ Institute of Governmental Studies, U.C. Berkeley. (2005). *California Correctional Peace Officers Association*. Retrieved from <http://www.igs.berkeley.edu/library/htCaliforniaPrisonUnion.htm>

⁶⁶ *Id.*

⁶⁷ Warren, Jennifer. (April 9, 2005). State to Scrap Key Parole Reform. *Los Angeles Times*.

abandoning the program, or whether the move was largely a response to mounting opposition from victims groups and the CCPOA.

The retreat highlights the complexities of prison reform—change for the sake of change doesn't always work and when dealing with a volatile population, where the costs of failure for an experimental program can be dangerously high, sometimes the status-quo is the safer and more sensible choice. Even criminologists who have long advocated for parole reform, such as Joan Petersilia—one of her field's most distinguished scholars—were not discouraged by the change: “I applaud this because it's the first time I've heard someone at [Hickman's] level say, ‘were not going to do this because there's no evidence it's working.’”⁶⁸ Hickman went on to state that the move should not be interpreted as an abandonment of the governor's commitment to making rehabilitation a central focus of his prison agenda.⁶⁹ The retreat on this issue illustrates the steep challenges facing reform—the governor's call may have been rooted in an impartial assessment of the evidence, but it is doubtful the opposition of the CCPOA and victims groups was based on the same nuanced reflection. While the program was aimed only at non-violent drug offenders, victims' groups ran ads accusing the governor of being “soft on crime.”⁷⁰

A more pressing reform issue is what commentators and policy makers have characterized as the “code of silence” that pervades the prison system. More specifically, the phrase describes an entrenched culture of corruption and silence in which guards accused of misconduct are protected from outside investigators, scandals are covered up, and would-be whistleblowers are intimidated, silenced, or worse. The problem gained prominence after U.S District Judge Thelton Henderson ruled in 1995 that conditions at Pelican Bay State Prison violated inmates' rights—the judge has been overseeing reforms there ever since and has threatened to place California prisons under federal receivership if reform isn't forthcoming.⁷¹ According to federal report released by the judge in 2004, a whistle-blower at Pelican Bay who reported a guard's assault on an inmate was labeled a “rat” by a union executive and eventually left the department because of medical problems incurred by his ordeal.⁷² John Hager, a special master appointed by Henderson to work with prison officials, has been especially critical of the CCPOA's role in perpetuating a climate of corruption.⁷³ He blames provisions in the union's labor contract that require the department to provide prompt notice to a guard anytime an inmate files a complaint about the guard; another provision allows CCPOA officials, who may later represent guards in disciplinary cases, to be present when prison administrators meet to discuss allegations of brutality by officers.⁷⁴

In response to the criticism, the governor and his corrections chief, Rod Hickman, pledged reform. But they have met fierce opposition from the CCPOA. When Hickman, a former prison official himself, suggested that not enough prison staff challenged the “code of silence,” union President Mike Jimenez labeled him “an embarrassment to his position.”⁷⁵ Meanwhile, in the legislature, Sen. Gloria Romero, chairwoman of an oversight committee on prisons, introduced SB 1731, a measure that sought to require investigators to turn over information about a guard's alleged misconduct, including the accuser's name, before internal affairs interviews are conducted.⁷⁶ After intense lobbying by the CCPOA, the bill died. In another setback, Judge

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ Schmidt, Steve. (April, 18, 2005). Troubled System. *San Diego Union Tribune*.

⁷¹ Martin, Mark. (June 25, 2004). Guard's Union Corrupts Prisons, Report Finds. *San Francisco Chronicle*.

⁷² *Id.*

⁷³ *Id.*

⁷⁴ (November 18, 2004). Union Barred from talks at prison. *San Jose Mercury News*.

⁷⁵ Schmidt, Steve. (September 9, 2004). State correctional boss vows prison system reform. *San Diego Union-Tribune*.

⁷⁶ Warren, Jenifer. (August 31, 2004). Major Prison Reform Eludes Lawmakers. *Los Angeles Times*.

Henderson condemned a deal struck between the governor and the CCPOA in 2004 that gives the union more control than management has inside prison walls (the governor claims the agreement will save money).⁷⁷

The CCPOA response:

Of course, there is another perspective on the alleged “code of silence” plaguing California prisons. The CCPOA dismisses the characterization as a distortion by the mainstream media. In a brief interview I conducted with CCPOA official Joe Baumann about the “code of silence,” he cited it as another example of the mainstream media portraying the union in an unfavorable light: “I think that often times the mainstream media portrays us in an unfavorable light because we tend to talk past them, or we tend to take a position they clearly don’t understand.”⁷⁸ He defended the contract provisions that have fueled so much criticism as an essential protection for CCPOA guards:

As an organization representing a group of employees, we have a legal obligation to defend them should the Department discipline them, or the D.A. or Feds indict them. The MSM tends to portray our fulfillment of our legal obligations as somehow endorsing misconduct. Nothing can be further from the truth.

To further underscore the union’s commitment to promoting a fair investigatory process, he also highlighted specific reforms it has championed such as legislation to force the department to do pre-employment background checks, psychological testing, a 16 week training academy, and the establishment of an Office of Internal Affairs to make the investigative and disciplinary process “fair and impartial for all employees...”⁷⁹ Baumann’s arguments have merit. While the provisions at issue—allowing union officials to participate in every stage of the disciplinary process—seem like a conflict of interest, they are not unique. Most unions, including those at the federal level, enjoy similar rights. Moreover, the potential for abuse in the absence of such protections is obvious: investigations conducted in secret and without union input or oversight could lead to abuses by prison management. Perhaps, then, Baumann’s criticism of the media’s failure to highlight these competing concerns is legitimate. On the other hand, Baumann’s sincerity is somewhat disingenuous: he did not, for example, explain the damning conclusions of Judge Henderson’s investigation that show a disturbing pattern of intimidation directed at whistleblowers and the union’s stubborn reluctance to ferret rogue officers out of the organization.

Another issue that has generated controversy is overtime—with the prevailing perception being that abuse of overtime provisions has contributed to bloated guard salaries. The union, however, has a different explanation. Baumann lamented the over three thousand vacant guard positions, which results in guards at some institutions having to work mandatory “8 hour shifts of overtime two or three times per week.”⁸⁰ Yet, Baumann predicts, the media will hone in on the “guards make a \$100k a year” aspect of the story and omit discussion of the high vacancies that force guards to work overtime.⁸¹

Baumann’s perspective illuminates the often ignored, but fundamental role of a union to aggressively represent its membership: while CCPOA tactics seem heavy-handed at times, its agenda overly resistant to change, it also performs a critical function on behalf of its members. At times, the media sensationalizes or distorts the CCPOA’s legitimate, good-faith advocacy on behalf of its members. But, the evidence is also clear that the CCPOA has vigorously opposed

⁷⁷ Martin, Mark. (July 21, 2004). Judge condemns deal with prison guards. *San Francisco Chronicle*.

⁷⁸ Email response from Joe Baumann, December 22, 2005.

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ *Id.*

reforms that a broad spectrum of experts have concluded are essential to reigning in corrections costs. In a sense, both sides are right and, as Baumann aptly noted, talking past each other.

Solutions: Can the CCPOA's Political Power be Curbed?

To a large extent, finding solutions to California's corrections crisis is easy: a substantial body of research already exists outlining a range of policy remedies. Academic scholars have for years touted the empirical benefits of rehabilitation and, more recently, former Governor George Deukmejian chaired an independent panel charged with formulating a blueprint for making California prisons more efficient. This Corrections Independent Review Panel generated 239 specific recommendations for revitalizing California corrections, addressing issues ranging from prison culture and management to healthcare.⁸²

The governor took some vital first steps early in his term, appointing a new corrections chief, Rod Hickman, who pledged to aggressively promote reform, and proposing a reorganization and consolidation of the corrections organizational structure. However, these changes were largely symbolic and cosmetic—meaningful reductions in the prison population and recidivism will require more far-reaching and systemic reforms. This cannot occur without a willingness of the governor and legislature to challenge the CCPOA's political dominance.

The obvious question, then, is whether anything can be done to curb the CCPOA's influence on prison reform. The short answer is no. The CCPOA's political activities are completely legitimate. Like any other interest group, it is free to raise money, support or oppose candidates, and help shape the public debate. Consequently, changing the culture in California prisons or accomplishing sentencing reform will require a partnership between elected officials and the CCPOA. Based on the current political climate, such a partnership seems elusive. Perhaps, as Joe Baumann suggested, both sides in this debate should begin by not "talking past each other," and recognize their mutual and complimentary roles in achieving reform. Political leaders must recognize that the CCPOA is here to stay and that its role in promoting good working conditions for its members is legitimate and necessary. California prison guards *do* work a tough beat and should be paid accordingly. Bad working conditions and low pay certainly won't improve morale or reduce tensions in state prisons. For example, in Texas, where unions are substantially weaker while the prison population is second only to California, guards are required to accrue 240 hours of overtime before they can draw overtime pay; additionally, their average salary is \$23,500 per year—significantly lower than their California counterparts.⁸³ The result has been a turnover rate of 32%, overworked guards, and 2700 unfilled positions.⁸⁴ For prisons to fulfill their mission, then, guards must be well-trained and well-compensated—priorities that are central to the CCPOA's advocacy role. The CCPOA, however, must make concessions as well—allowing policymakers more latitude to pursue sentencing reforms and rehabilitation initiatives without fear of political reprisal.

Unfortunately, however, the CCPOA has not shown itself to be a willing partner in such efforts. Thus, the only way to counter CCPOA power is through leadership: the governor and legislature must exhibit more courage in challenging the union's stranglehold on prison policy. With a few notable exceptions—Gloria Romero and Jackie Spier—such leadership has not been forthcoming. Recent pronouncements by the governor have also been discouraging: chastened by last year's special election, he has seemingly abandoned the progressive vision that marked his early term. In his 2006 State of the State address delivered just two weeks ago, the governor anchored the state's corrections future in business as usual: more new spending, more new prisons:

⁸² Correction Independent Review Panel executive summary available at <http://cpr.ca.gov/report/indrpt/corr/execsumm.htm>

⁸³ (January 15, 2006). Prison Workers' Overtime Held Back. *Austin American Statesman*.

⁸⁴ *Id.*

Local jails and state prisons are so overcrowded that criminals are being let out or left on the street because we have no room to lock them up. Our proposal provides for two new prisons, a new crime lab, emergency response facilities and space for 83,000 new prisoners over the next ten years. We must keep the people safe. **I say build it.**⁸⁵

And so the cycle continues.

⁸⁵ Governor Schwarzenegger's State of the State Address. Retrieved from www.governor.ca.gov