

## CDC, §? (Part 1)

Sam Adams. "The law serves those in power. That is the function and purpose of the law. The only honest question is who holds that power. The rest is hypocrisy." ("John Adams" by Walter Bernstein)

The California prison system was formerly referred to as the California Department of Corrections (CDC) but in recent years was renamed the California Department of Corrections and Rehabilitation (CDR). Most other states runs with the simpler "Department of Corrections" but California adds "Rehabilitation" to the title, as if its prison system stands above the rest. Not only is the implication here absurdly false, I personally believe it evinces a deceptive and delusional nature of those who run California's prisons. Let's analyze the following facts.

In considering the title, the CDR is a department which accomplishes the function of correcting and rehabilitating the people in its custody. Correction, referenced under "correct," is defined:

"Make right 2. Chastise" (Webster's Pocket Dictionary)

Rehabilitation, referenced under "rehabilitate," is defined:  
"make good or useable again"

In choosing this title the CDR assumes the responsibility of correcting and rehabilitating those in its custody. By having

the nerve to add "Rehabilitation" to the title, basically implying superiority in comparison with other prison systems, it must be held to an, at least the same, performance standard. If it doesn't meet its self-imposed purpose, it lacks legitimacy and is unfit to wield authority over anyone.

So the question becomes: Does the CDCR correct and rehabilitate its prisoners? If we let the evidence speak for itself it answers with a clear and convincing, "No!"

For starters, California has the highest rate of recidivism in the nation; is this indicative of people being corrected and rehabilitated? Of course not and this fact alone totally rebuts the idea that the CDCR is meeting its own stated purpose.

I think that it is universally accepted that the best way to lead is by example. Thus, if the department's purpose is to correct and rehabilitate; by definition make a person right and good, then it reasonably follows that those whom staff the department should set an example by conducting themselves in a good and right way. Wouldn't you agree?

If so this creates a problem for the CDCR, which has a shockingly long history of outrageous staff misconduct. The various Court Reporter's volumes is a source full of damning evidence against the CDCR on this issue. Here are a few examples of court actions, which the CDCR lost due to its staff's misconduct:

- The court found that the policies at Pelican Bay Prison contributed to a "culture of separation" that perpetuated inter-racial violence and ordered the prison officials to stop preferential treatment on the basis of race. (Es-Calera v. Tephune (Del Norte Superior Ct. Dec. 10, 2002) No. HCPB 005164)

- The CDCR admitted that race was the only factor in the decision to exclude black inmates from the critical-worker list during lockdowns. (Walker v. Gomez (9th Cir 2004) 370 F.3d 969)
- Inmates were required to clean attic when staff knew or suspected presence of asbestos. (Wallis v. Baldwin (9th Cir. 1995) 70 F.3d 1074, 1077)
- Pelican Bay State Prison Staff were found to regularly use excessive force against inmates, including carrying out assaults on inmates, violent and unnecessary cell extractions and shootings, and using fetal-position restraints. (Madrid v. Gomez (N.D. Cal. 1995) 889 F.Supp. 1146, 1161-1181, 1254)
- The Ninth Circuit Court of Appeals held that a prisoner had presented a triable Eighth Amendment claim by presenting evidence of a "gladiator-like scenario" in which corrections officers made jokes about potential fights on racially integrated exercise yards and then delayed in intervening in the ensuing fights. (Robinson v. Prunty (9th Cir. 2001) 249 F.3d 862, 866-867)

Racism, & willful disregard for human safety, & thirst for violence, these are the attributes of the CDCR Staff. If staging dogfights is unacceptable, how much worse is it for the prison guards to be staging prisoner fights?!! Much of this same conduct is still ongoing in various Cal. prisons.

Amazingly Cal. Corrections Officers, upon assuming duty, all take an oath to promote and uphold the law. Additionally they're among the most generously compensated group of prison guards in the nation. But as the above-mentioned cases show, Officers can be as deficient in ethics & morals as anyone else.

And just think, the average inmate doesn't have the skills necessary to litigate & court action, nor the finances to hire an attorney, making those examples found in Court Reporter's just the tip of the iceberg on staff misconduct. If the staff generally can't set an ethical & positive example, then naturally correction and rehabilitation can't be achieved. This highlights yet another layer of failure from the CDCR.

It has been determined that socio-economic constraints is the general common denominator of the root cause in why people end up in prison. Basically, the majority of prisoners are there for drug and non-violent property crimes. It doesn't take rocket science to figure out that in the interest of effectively correcting and rehabilitating much of the focus should be on drug treatment, improving life & social skills, along with formal and technical education. Remember, deficiencies in these areas is what drove most prisoners to prison to begin with. Logic, along with pertinent studies, have shown that improvement in these areas drastically reduces the rate of recidivism. It seems that the CDCR's decision makers reject those studies and logic.

Most people whom have had dealings with the CDCR know that logic and reason are not commonplace within it. A recent CDCR action which verifies this is its response to the Jaycee Dugard Case, whereas the general consensus is that the CDCR bears much of the blame for her not being found sooner. Yet soon after she was found (something the CDCR people had nothing to do with), the CDCR hosted an event congratulating its staff members for a job well done on the case.

Nothing much else is needed to grasp that the decision makers within the CDCR are delusional and narcissistic beyond belief, although there is plenty of other proof. Heck, many of the prison guards readily admit how unreasonable the policies and procedures are.

But as far as the CDCR providing effective rehabilitative education and programs, it does so for a slim percentile of

the inmate population. The majority of the inmates interested in participating in the various programs are put on a "waiting list" and are usually transferred or released before being placed in the program.

As for formal education; correspondence college courses are offered, the inmate being responsible for covering the cost. If an inmate can't meet the financial obligation, then he/she is excluded from taking the course; the case for many inmates. Of course, GED classes are offered but if an inmate has a high school education already then tough luck on formal education.

Prisoners in Cal. spend most of their time in the CDCR performing menial tasks geared toward keeping the prison operating smoothly; locked in their cells 22-24 hours a day; or on the exercise yard/dayroom. In other words, doing a lot of idle time; which leaves a prisoner in a worst state upon his/her release. This is neither corrective, rehabilitative, nor does it lend an iota toward the goal of eliminating crime. It helps to promote crime in society. This aids the main interest of the CDCR staff, that being their job security.

I believe you get the point, that the CDCR is the polar opposite of an institution for actual correction and rehabilitation. Now what happens when a government agency is not living up to its self imposed responsibilities. I mean, the bureaucrats consciously chose to insert corrections and rehabilitation into the title, shouldn't they be obligated to correct and rehabilitate?

Just like if I advertise myself as a plumber, then I'll be expected to repair a plumbing issue when called upon. Or if I'm doing business as an auto mechanic, I'll be expected to repair the malfunctioning automobiles placed in my care. If I didn't meet my obligations in those instances then there would be consequences for me to face, just as there should be real consequences for any ineffective government agency.

If a person doesn't actually provide the services that he or she advertises then that person is considered a fraud, miscreant, or whatever other adjective that applies. The same is applicable to a company, organization, or in this case "Department." Thus we see that the CDCR is a fraud and as such lacks legitimacy. The people of California won't be forced to finance an illegitimate organization in the private sector and shouldn't be forced to finance an illegitimate government agency.

Ironically, the CDCR staff, being among the highest paid prison staff in the entire nation, ranks low in most measured areas of performance. Like insatiable parasites, the California prison guards' union demand that the Treasury consistently appease their gluttony; while the budgets of education, health care, and human services suffer the consequences. This is one of the things which make clear whom your elected state officials are really in office representing, that is the prison guards' union and whatever other special interest group that largely funds their political careers and "High Society" lifestyle.

As time passed away from the American Revolutionary War and the drafting of the Declaration of Independence and Constitution, the spirit and principles of that time have been in a process of slow erosion. The Founding Fathers set this nation up to be a government by the will of the people; not a government by the big business leaders, politicians, bureaucrats, and judges, enforced by their intelligence and law enforcement guard dogs. Sadly, the latter is what our nation has become and it contrasts the original intent for it.

Another sad fact is that without action from the people, the state and federal ruling class will continue to push their policies & agenda; which in effect continues the erosion of the Constitution and is in conflict with the interests of the people. The politicians and bureaucrats have become increasingly arrogant, as is the case of the CDCR. They feel it acceptable

to consistently fail in meeting their duties; that they're above consequences and reproach.

The final sad fact is that as things currently stand, they are correct in feeling like that. They're not gonna hold themselves accountable and if we don't, then they will continue in their ways. I'm not suggesting another revolutionary war but action on our part is definitely required. Being as how our tax dollars fund the government and its various agencies, one way to hold them accountable is for us to stop funding them. The same way that we can refuse to support a fraudulent business or illegitimate organization, when a government official or department is committing a blatant fraud we can, it is our duty, to refuse funding.

Applying all of this to the CDCR (although it applies to any branch of the state or federal government), unless <sup>①</sup> ridiculous rate of recidivism, <sup>②</sup> repeated staff misconduct, <sup>③</sup> complete deviation from industry standards, and <sup>④</sup> institutional racism is acceptable from what the state has coined the Corrections and Rehabilitation department, then we should DEMAND improvement from it. And if it continues to fail then we should treat it like Enron.

Fraud. "An intentional perversion of truth for the purpose of inducing another into reliance upon it to part with some valuable thing belonging to him or to surrender a legal right.

A false representation of a matter of fact, whether by words or by conduct, by false or misleading allegations, or by concealment of that which should have been disclosed, which deceives and is intended to deceive another so that he shall act upon it to his legal injury. Anything calculated to deceive, whether by a single act or combination, or by suppression of truth, or suggestion of what is false; whether it be by direct falsehood or innuendo, by speech or silence, word or mouth, or look or gesture. A generic term, embracing all multifarious means which human ingenuity can

device, and which are resorted to by one individual to get advantage over another by false suggestions or by suppression of truth, and includes all surprise, trick, cunning, dissembling, and any unfair way by which another is cheated. 'Bad faith' and 'fraud' are synonymous, and also synonyms of dishonesty, infidelity, faithlessness, perfidy, untruthiness, etc." (Black's Law Dictionary)