

CALIFORNIA DEPARTMENT OF CORRECTIONS

Its Plans to Build a New Condemned-Inmate Complex at San Quentin Are Proceeding, but Its Analysis of Alternative Locations and Costs Was Incomplete

Audit Highlights . . .

Our review of the California Department of Corrections' (department) plans to build a new condemned-inmate complex at San Quentin revealed:

- Current condemned-inmate facilities at San Quentin do not meet many of the department's standards for maximum-security facilities.*
- The department received spending authority of \$220 million to build a new condemned-inmate complex and estimates completion by 2007.*
- The department's analysis of where it should house its male condemned population did not consider all feasible locations and relevant costs.*
- Because the department's analysis was incomplete, we can conclude neither that San Quentin is the best location for the new condemned-inmate facility nor conclude that a better location exists.*
- Benefits and drawbacks exist for both the continued use of San Quentin as a prison and its reuse for other purposes.*

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California Department of Corrections' response as of June 2005

The Joint Legislative Audit Committee (audit committee) asked the Bureau of State Audits to evaluate the California Department of Corrections' (department) plans to build a new condemned-inmate complex at California State Prison, San Quentin (San Quentin). Further, the audit committee asked us to determine whether, in developing its plans, the department had considered all relevant factors. The audit committee asked us to review and assess the department's methodologies and assumptions in determining that construction of a new \$220 million complex to house male condemned inmates at San Quentin is an appropriate investment for the State and whether the department's estimate is reasonable and based on adequate support and analysis. In addition, the audit committee asked us, to the extent possible, to compare San Quentin's costs to those of California State Prison, Sacramento, in areas such as operating costs, maintenance costs, and capital costs to construct or modify a facility to house condemned inmates.

Finding #1: The department did not include all reasonable alternatives in its analysis of other potential sites to house male condemned inmates.

In determining where to house its condemned inmates, the department considered certain existing prison facilities but concluded that most of them would not be appropriate, due primarily to their remoteness from metropolitan areas. The department did conclude that California State Prison, Sacramento, would be an appropriate location but determined that transferring the condemned inmates there would exacerbate the department's systemwide shortage of maximum-security beds. However,

the department limited its consideration to the seven facilities that currently have 180 housing unit facilities. The department considered only these prisons because it believes that the 180 housing unit, which is designed for maximum-security inmates, is the most appropriate facility for this population.

Additionally, although the department has land available at other prison sites on which to build a condemned-inmate complex with the 180 housing unit facilities it considers appropriate for condemned inmates, it did not analyze the feasibility of building such a complex at other locations. The deputy director of the department's facilities management division told us that the department has land available at many locations to accommodate 180 housing unit facilities such as the condemned-inmate complex it plans for San Quentin, although other factors such as wastewater and water capacity, severe recruitment and retention difficulties, community opposition, flood plains, and habitat preservation would limit the feasibility of using most sites. According to the department, it believed that the legislative direction it had received was to maintain condemned inmates at San Quentin. Nonetheless, the department would have better ensured that the best decision for the State was made if it had included all reasonable alternatives.

We recommended that if the Legislature decides that it wants a more complete analysis regarding the optimal location for housing male condemned inmates, it consider requiring the department to assess the costs and benefits of relocating the condemned-inmate complex to each of the current prison locations possessing either adequate available land for such a facility or an existing adequate facility, including in its assessment the relative importance and costs associated with each site's remoteness. Additionally, in the future, the department should include all feasible alternatives when it analyzes locations for any new prison facilities.

Legislative Action: Pending.

We are not aware of any legislation that has been introduced to require the department to assess the costs and benefits of relocating the condemned-inmate complex to each of the current prison locations possessing either adequate available land for such a facility or an existing adequate facility. However, the Legislature has introduced two bills related to condemned inmates at San Quentin. Assembly Bill 1715 proposes to allow the department to house condemned inmates at any prison that contains level four security, or is a condemned facility, designated by the department director. Senate Bill 901 proposes to decommission San Quentin no later than December 31, 2010. This bill, if approved, would require the governor to decide by March 31, 2007, which prison would house death row prisoners and be the site of executions. At June 30, 2005, both bills were pending in legislative committees.

Department's Action: Pending.

The department states that it will continue its practice of assessing feasible alternatives and appropriate costs when it analyzes locations for any new prison facilities.

Finding #2: The department's comparison of costs was incomplete.

Although the department analyzed the costs of relocating its San Quentin activities, it did not compare the anticipated annual operating and maintenance costs between San Quentin and other potential locations. As part of an effort by the Department of General Services to study San Quentin's potential reuses, the department prepared an estimate of the costs associated with relocating all of its activities from San Quentin, including housing for its condemned, reception center, and level I and II inmates. However, the department did not compare the annual operating and maintenance costs once the condemned inmates had been relocated to those it could expect to incur at San Quentin. Such a comparison would have provided more complete information that would have assisted the department in ensuring that it made the most cost-effective decision.

We recommended that if the Legislature decides that it wants a more complete analysis regarding the optimal location for housing male condemned inmates, it consider requiring the department to analyze the estimated annual operating and maintenance costs of a new condemned-inmate complex at other locations with adequate available land or facilities, compared to those it expects to incur at San Quentin. Additionally, in the future, the department should include all appropriate costs when it analyzes locations for any new prison facilities.

Legislative Action: Unknown.

Department's Action: Pending.

The department states that it will continue its practice of assessing feasible alternatives and appropriate costs when it analyzes locations for any new prison facilities.

Finding #3: The department's estimate of future condemned inmate populations is likely overstated.

Based on past experience, the department estimates that the condemned-inmate population could grow at a rate of 25 inmates per year. In arriving at its estimate of the annual increase in the numbers of condemned inmates, the department considered the number of male inmates the State sentenced to death each year since 1978, after the State enacted its current death penalty law. Based on these numbers, the department concluded that the State sentences an average of 25 men to death each year. However, this analysis does not consider inmates who leave death row for various reasons, such as commuted sentences and death, by natural causes, and by execution. Our review of the department's log of condemned inmates, which tracks inmates coming into and out of death row at San Quentin, showed that as many as nine inmates left death row in a single year; over a 10 year period between 1994 and 2003, 48 inmates left death row. Therefore, the department's estimate is likely overstated.

Additionally, both the state public defender and the state capital case coordinator at the Office of the Attorney General told us that they expect the number of inmates being sentenced to death to decrease in the coming years. According to the state

public defender, this is due primarily to the expense that the counties incur in capital cases. She stated that counties are seeing a sentence of life without parole as a better alternative. Also, according to the state public defender, lower crime rates and decreasing support for the death penalty will result in fewer capital cases. At the same time, both the state public defender and the state capital case coordinator believe that the number of executions will increase in the coming years as condemned inmates begin to exhaust their federal appeals.

We recommended that if the Legislature decides that it wants a more complete analysis regarding the optimal location for housing male condemned inmates, it consider requiring the department, in order to provide more accurate estimates of future numbers of condemned inmates, to include all relevant factors in future estimates, such as the number of inmates who leave death row for various reasons, including commuted sentences and death.

Legislative Action: Unknown.