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On behalf of the City of Ontario I want to address some recent developments within the California Department of Corrections and Rehabilitation (CDCR) realignment of 15 death row inmates currently housed at Chino Institute for Men (CIM) and the anticipation of nine more inmates from San Quentin to be housed at CIM.

This week, the California State Sheriff's Association met with representatives from CDCR, and they reported several critical statistics regarding the current state of the California prison system. As of April 2024, there are approximately 93,000 inmates in custody, with over 33,000 individuals under community supervision.

Additionally, CDCR has begun complying with Proposition 66, which transfers incarcerated individuals with condemned sentences, along with CDCR and Governor Newsom's executive order to phase out segregated death row units at San Quentin Rehabilitation Center (SQRC) and the Central California Women's Facility (CCWF). Proposition 66 requires death-sentence individuals to work to pay restitution to their victims as they serve their sentences.

In response, CDCR created the 'Condemned Inmate Transfer Program' (CITP), where these inmates are placed in institutions with an electrified security perimeter while integrating with the general population. San Quentin is currently transferring inmates in phases to ensure all remaining death row inmates are housed in different facilities throughout California.

Below are the latest numbers:

- Individuals in CDCR with death row (condemned sentences): 641
- San Quintin Rehabilitative Center transfers since 2/26/24: 189
- Central California Women's Facility transfers since 2/26/24: 20¹

Recently, the City of Chino gave cautionary notice that the California Institution for Men (in Chino) currently has 15 death row inmates housed in the facility and is expecting the arrival of nine more in the near future. This dramatic increase of death row inmates places a significant security burden and long-term housing demand on an already antiquated facility.

In addition, because of several state legislative and ballot proposition initiatives, including Proposition 47, Proposition 57, and Assembly Bill 109, the California prison system has significantly reduced its population. At the inmate population peak in 2006, California had 165,000 people in the State Prison system. Today, we have 93,000 inmates after a decade of sentence reforms and a surge of releases tied to COVID-19². This represents a 43.6% decrease in CDCR's population. Many of these individuals are parolees at large or have been realigned to the County jail system, which was not originally designed to hold the level of violent inmates we currently have.

Since 2020, CDCR and California Correctional Health Care Services (CCHCS), with support from the California Legislature and the Governor, have been closing various prisons and yards within our current correctional system, including the following:

1. Deuel Vocation Institution (DVI) – 9/30/21
2. California Correctional Center (CCR) – 2023
3. Chuckwalla Valley State Prison (CVSP) – by March 2025
4. CDCR also did NOT renew a lease with CoreCivic for California City Correctional Facility (terminated in March 2024).
5. Low-security yards at the California Correctional Institution in Tehachapi
6. Correctional Training Facility in Soledad – 2021
7. Folsom Women's Facility at Folsom State Prison in Represa
8. Facility C at Pelican Bay State Prison in Crescent City
9. Facility A at California Rehabilitation Center in Norco
10. Facility D at California Institution for Men in Chino
11. Facility D at California Correctional Institution in Tehachapi ³

Due to the current fiscal situation in California, the legislature is looking to deactivate more prisons throughout California, with no specific plan outlined at this time⁴.

In 2023, Governor Newsom announced that California's most high-profile prison, which houses California's most violent and reprehensible offenders, will be reorganized as a rehabilitation center, and the 3,300 incarcerated individuals at this high-security site will be transferred to the general population throughout the CDCR system. San Quentin is known as the home of California's death row. However, California has not executed an inmate since 2006, and Governor Newsom signed an executive order in 2019 declaring a moratorium on executions⁵.

California voters approved a statewide ballot measure reinstating the death penalty in 1978, six years after it was halted by the U.S. Supreme Court and two years after a high court ruling allowed executions to resume. Since 1978, California has carried out 13 executions under Govs. Pete Wilson, Gray Davis, and Arnold Schwarzenegger. During that same time, 26 inmates on death row have died by suicide, and 79 have died of natural causes, according to the California Department of Corrections and Rehabilitation⁶.

Since 1972, California has had five statewide ballot initiatives that support the death penalty, including Prop 17 (1972), Prop 7 (1978), Prop 114 (1990), Prop 196 (1996), and Prop 34 (2012).

¹ <https://www.cdcr.ca.gov/capital-punishment/condemned-inmate-transfer-program/>

² <https://calmatters.org/justice/2023/02/how-many-prisons-does-california-need/>

³ <https://lao.ca.gov/Publications/Report/4686>

⁴ <https://lao.ca.gov/Publications/Report/4852>

⁵ <https://www.gov.ca.gov/2019/03/13/governor-gavin-newsom-orders-a-halt-to-the-death-penalty-in-california/>

⁶ <https://www.latimes.com/local/lanow/la-me-ln-prop-66-death-penalty-halted-20161220-story.html>

Remember, a death row sentence is not a straightforward prosecution. The death penalty is a tough conviction for law enforcement and district attorneys to achieve. It includes an arrest by law enforcement for a capital offense, such as murder, with special circumstances. Exceptional circumstances are factors that make the crime particularly heinous or warrant the death penalty, such as multiple murders, murder for financial gain, or murder of a peace officer. Then, there is a penalty phase where the jury hears evidence and arguments from both the prosecution and defense regarding aggravating and mitigating factors, including circumstances that make the crime more severe. The appeals process also allows the individual to appeal the conviction and sentence. This process can be incredibly lengthy and often includes several layers of review by state and federal courts. In addition to this appeals process, individuals on death row may also file petitions or writ of habeas corpus, which allows them to challenge the constitutionality of their conviction or sentence.

Overall, ending up on death row in California involves a complex legal process with multiple stages of review. It is important to note that not all individuals convicted of capital offenses receive the death penalty and those who do have extensive legal avenues for challenging their conviction or sentence.

While the complexities of capital punishment in California shed light on the legal intricacies of our justice system, it's essential to recognize the real-world implications of such cases. One such example is the tragic incident involving Kevin Cooper. On June 2, 1983, serial offender Kevin Cooper, using the alias David Trautman, was beginning a four-year sentence for two burglaries in the Los Angeles Area. He climbed through a hole in the prison fence and walked away from Chino Institute for Men across an open field. Three days later, four dead bodies were found chopped with a hatchet, sliced with a knife, and stabbed with an ice pick.

The escape of Kevin Cooper is not an isolated incident but rather one among several security breaches that have raised concerns about the safety protocols and investments within CDCR's correctional facilities. Another notable case is that of Michael Garrett, who escaped from the Chino Institute for Men which led to a carjacking and evading law enforcement until the following day when Garrett was apprehended by the San Diego Sheriff's Department in Encinitas⁷.

Unfortunately, an inoperable fence at Chino Institute for Men and poor lighting contributed to this escape, and local legislators learned that a sensor on the fence had been broken for years, prompting Assemblymember Freddie Rodriguez to author Assembly Bill 2028, which would require CDCR to conduct a security inspection and audit at regular intervals. The legislation was vetoed in 2018 by Governor Brown⁸.

These escapes have underscored the need for stricter security measures and highlighted deficiencies within specific institutions, such as the Chino Institution for Men. Reports of inadequate infrastructure and staffing shortages have brought attention to the surrounding areas and community. These deficiencies include potentially insufficient staffing levels, outdated infrastructure, and lack of investment from the state, which occurred when CIM was built in 1941 – the same year the United States became involved in World War II. Addressing these issues is essential to maintain a secure environment within the facility and prevent potential incidents that could threaten public safety.

⁷ <https://www.cdcr.ca.gov/news/2018/01/16/inmate-who-escaped-from-california-institution-for-men-apprehended-in-encinitas/>

⁸ https://www.championnewspapers.com/news/article_70974ccc-5554-11e8-a016-5fed314c1ac2.html

Addressing these deficiencies is crucial not only for maintaining order within the facility but also for safeguarding the well-being of our community. As we navigate these challenges, we must remain committed to fostering a safe and secure environment for CDCR's inmates and the Chino Valley community.

In conclusion, the ongoing environment with misguided policies from Sacramento and unintended consequences of ballot initiatives present dire challenges for our communities. As the Chief of Police, I remain committed to serving the residents of the City of Ontario and supporting our neighboring City of Chino in their efforts to safeguard a growing community.

Sincerely,



Mike Lorenz
Chief of Police
Ontario Police Department



Paul S. Leon
Mayor
City of Ontario