

April 12, 2007

Governor's Prison Overcrowding Package Is More Balanced But Too Big

LEGISLATIVE ANALYST'S OFFICE

Presented to:

Senate Budget and Fiscal Review Subcommittee No. 4

On State Admin., General Govt., Judicial and Transportation

Hon. Mike Machado, Chair





What Do Prison Experts Mean by “Overcrowding?”

Discussions about overcrowding in California prisons are frequently complicated by the use of various similar sounding terms. We define a few of these terms below and describe how we use them in our analysis of the Governor’s proposals to address overcrowding.

- Design Capacity.** “Design capacity” refers to the number of beds the department would operate if it housed only one inmate per cell and did not double-bunk in dormitories. The department identifies its design capacity as about 83,600 in state prisons (not including 7,500 community contracted bed capacity). Double-celling and double-bunking of inmates in cells and dormitories is standard practice—with some exceptions—in prisons nationally. For this reason, we do not rely on design capacity figures in our analysis of the department’s bed capacity.
- Permanent Capacity.** “Permanent capacity” refers to the number of beds the California Department of Corrections and Rehabilitation (CDCR) would have if it used double-celling and double-bunking in all facilities when it was reasonably able to do so given the dangerousness of the inmates housed in those facilities and the size of the cells. As shown in the figure (see next page), the department reports that its permanent capacity is about 156,500 beds.
- Temporary Housing.** Because the department does not have permanent capacity for all inmates, CDCR utilizes “temporary housing.” This typically involves housing inmates in space not originally designed for housing, such as gyms and dayrooms. Also shown in the figure, the department currently houses about 16,600 inmates in temporary beds. The CDCR reports that it will exhaust its supply of temporary beds by spring 2008.
- Overcrowding.** For purposes of this analysis, overcrowding refers to the use of temporary housing due to having more inmates than permanent capacity available.



State Prisons Overcrowded

Population Compared to Permanent Capacity			
<i>(December 31, 2006)</i>			
Security Housing Type	Inmates^a	Permanent Capacity^b	Surplus/Deficit(-)
Men			
Level I	30,537	23,013	-7,524
Level II	42,359	35,122	-7,237
Level III	34,065	42,451	8,386
Level IV	26,895	20,571	-6,324
Reception center	24,413	20,063	-4,350
Special ^c	3,070	3,927	857
Totals, Men	(161,339)	(145,147)	(-16,192)
Women			
	11,761	11,356	-405
Totals, All Housing	173,100	156,503	-16,597
^a Based on department's fall 2006 population projections. ^b Includes prison and contracted capacity. ^c Includes Security Housing Unit and Protective Housing Unit.			

- As of December 31, 2006, approximately 16,600 inmates—accounting for about 10 percent of the total inmate population—were housed in gyms and dayrooms.
- The most significant bed shortfalls are for Level I, II, and IV inmates, as well as at reception centers.
- The CDCR projects that the inmate population will grow by another 17,000 inmates by 2012, an average annual growth rate of 2 percent.



Governor's Proposals to Address Prison Overcrowding

Dollars in Millions

Component of Proposal	Number of Beds at Full Implementation	Fiscal Impact	
		Capital Outlay ^a	2007-08 State Operations
State Prison Capacity Expansion			
Infill housing	16,238	\$2,342	—
Reentry facilities	5,000-7,000	1,600	—
Female community rehabilitation facilities	4,350	—	\$2
Out-of-state transfers	2,260	—	13
Health care facilities set-aside	Unknown	1,000	—
Subtotals	(27,848-29,848 ^b)	(\$4,942)	(\$15)
State Prison Population Reduction			
Eliminate diagnostic services for counties	205	—	-\$4
Changes to parole discharge policies	—	—	-53
Shift of adult offenders to jail	25,000	—	—
Subtotals	(25,205)	—	(-\$57)
Local Jails and Probation			
Jail beds for adult offenders ^c	45,000	\$4,000	—
Adult probation grants	—	—	\$50
Subtotals	(45,000)	(\$4,000)	(\$50)
Other Components of the Proposals			
Infrastructure improvements for infill housing	—	\$303	—
Condemned inmate complex	—	268	—
Southern California training academy	—	58	—
Sentencing commission	—	—	<\$1
Subtotals	—	(\$326)	(<\$1)
Total Costs of Proposals		\$9,268	\$8

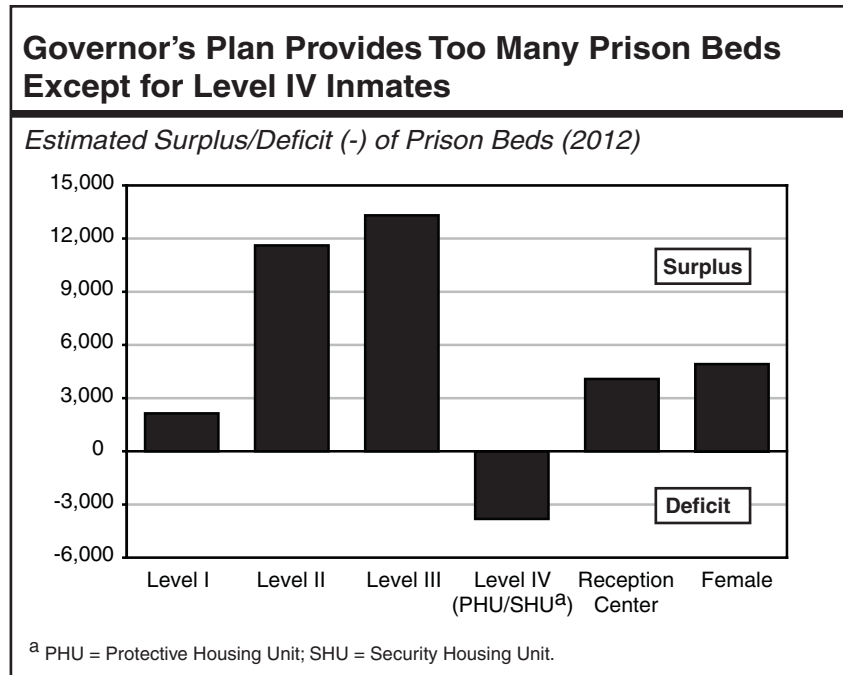
^a Multiyear funding, primarily from lease-revenue bonds.

^b Does not include health care facilities.

^c Does not include \$400 million for juvenile facilities. Governor's proposal assumes additional \$1.1 billion match from local governments for adult and juvenile beds.



Governor’s Plan Results in Large Surplus And Wrong Mix of Beds



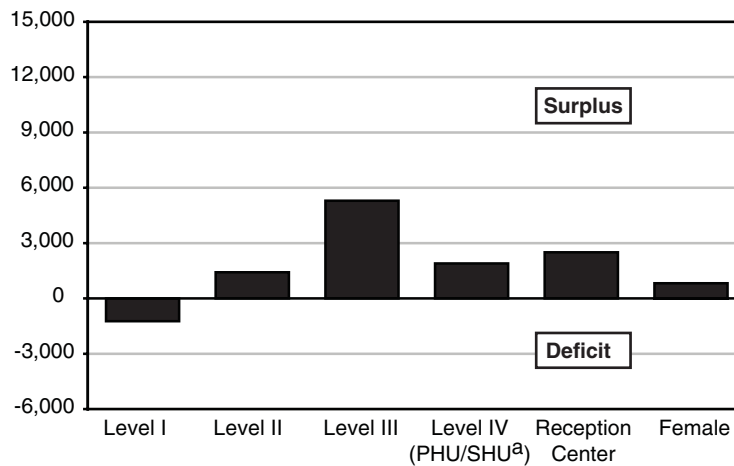
- The Governor’s package of proposals (as presented in January) would increase permanent housing capacity in the state prisons to about 189,000 and reduce the inmate population to about 157,000, resulting in a total surplus of about 32,000 beds by 2012 when fully implemented.
- This total surplus equates to roughly six empty prisons.
- This surplus capacity is concentrated among medium-security beds with 25,000 too many Level II and III beds, as well as surplus capacity for reception center, Level I, and female inmates. However, the Governor’s plan would also result in a deficit of beds for inmates who require the highest security beds (Level IV).



Analyst's Recommendations: Reduce Overbuilding and Provide the Right Mix of Beds

LAO Alternative Provides Better Mix of Beds and Smaller Surplus

Estimated Surplus or Deficit (-) of Prison Beds (2012)



^a PHU = Protective Housing Unit; SHU = Security Housing Unit.

- We recommend several modifications to the Governor's proposal, including (1) less infill construction, (2) redirection of death row funding to build more high-security capacity elsewhere, (3) conversion of 5,000 Level III beds to Level IV, (4) making select low-level crimes misdemeanors, and (5) other technical changes.
- We estimate that these changes would reduce the total surplus in the Governor's plan to about 10,700 beds by 2012 and provide a surplus of about 1,900 Level IV beds.
- The LAO alternatives would reduce state costs relative to the Governor's proposals, including about \$189 million General Fund in the budget year, as well as \$2.1 billion less capital outlay borrowing.