

February 24, 2009

Corrections Spending and Impact of Possible Inmate Population Reduction

LEGISLATIVE ANALYST'S OFFICE

Presented to:

Assembly Budget Subcommittee No. 4

On State Administration

Hon. Juan Arambula, Chair



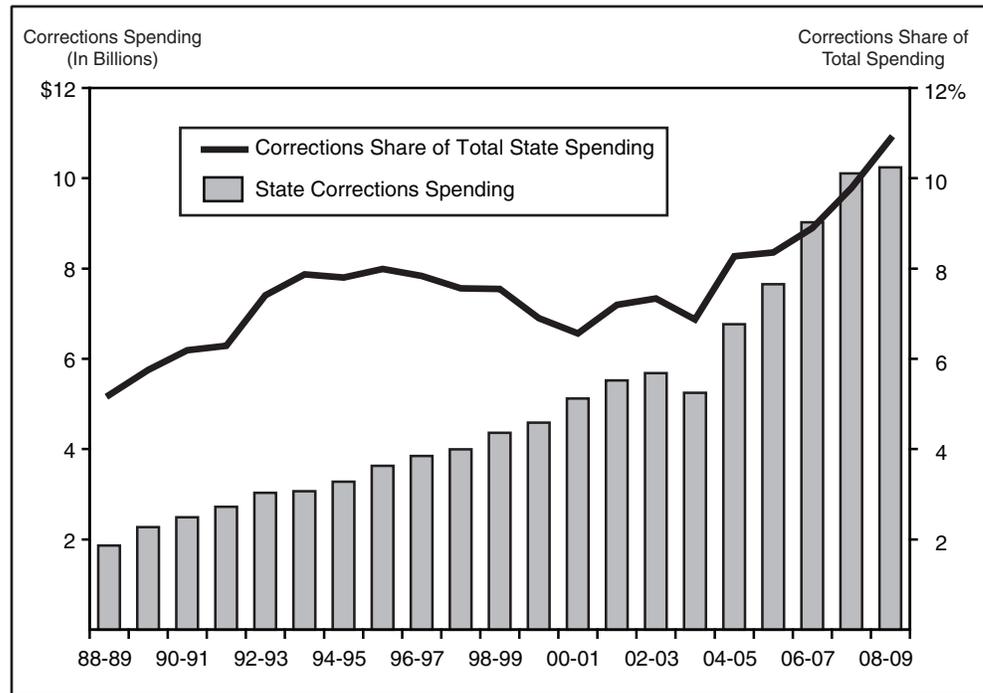


California Department of Corrections and Rehabilitation (CDCR) Budget

- Total Budget.** The revised 2008-09 budget includes total expenditures of \$11.2 billion for CDCR from all fund sources. About 90 percent of these expenditures are funded from the General Fund.
- Operations Budget.** The budget includes \$10.4 billion—almost entirely from the General Fund—to operate CDCR. Over 90 percent of the department’s operations budget supports supervision of adult inmates and parolees, with the remaining funds supporting supervision of juvenile offenders and various administrative costs.
- Capital Outlay Budget.** The budget also reflects about \$840 million in total expenditures for CDCR capital outlay projects, including \$138 million from the General Fund.



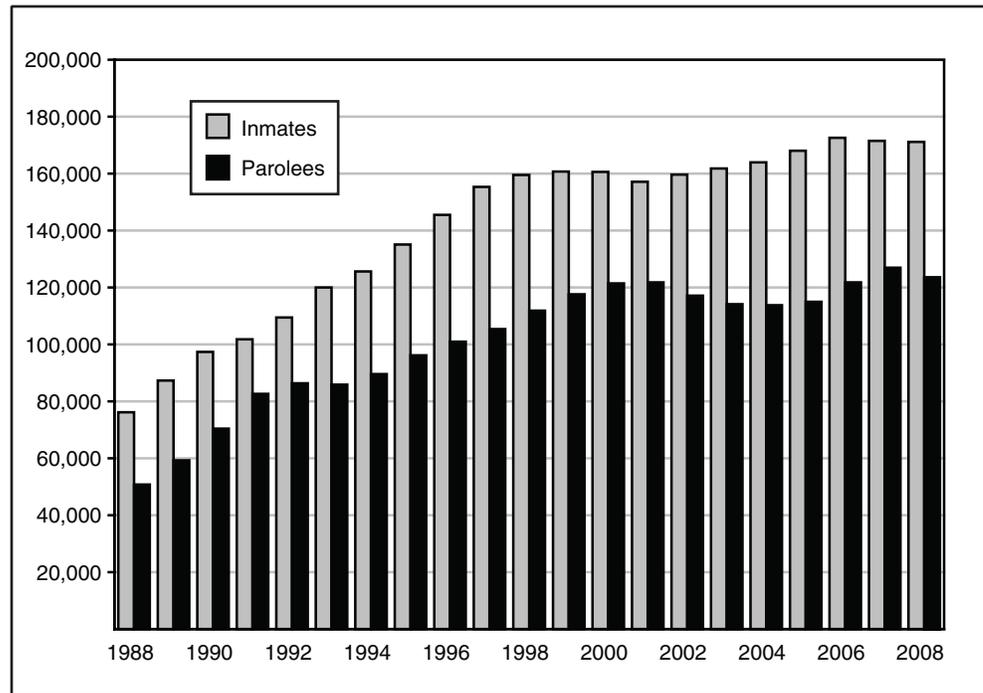
Significant Growth in State Spending on Corrections



- State spending on corrections has increased by roughly \$8.4 billion, or 450 percent, between 1988-89 and 2008-09, an average annual increase of about 9 percent.
- Spending on corrections takes up about twice as much of the state budget than it did 20 years ago, increasing from about 5 percent to 11 percent of total state spending.



Growth in Inmate and Parole Population



- The prison population has increased by 125 percent (an average of 4 percent annually) over the past 20 years, growing from 76,000 inmates to 171,000 inmates. The parole population has grown at a similar pace over that period.
- Several factors contribute to changes in the inmate and parole populations, including the number of new court admissions and the number of parolees returned to prison.
- Currently, the state spends an average of \$49,000 annually to incarcerate an inmate in prison and \$4,500 annually to supervise a parolee.



Other Major Factors Driving Corrections Costs

- Employee Compensation.** The cost to operate corrections has been impacted by significant increases in employee compensation. For example, salary increases for Bargaining Unit 6 employees—mostly correctional officers—have added more than \$1 billion to CDCR's budget over the past decade.
- Inflation.** Costs have also risen with general price increases. For example, inflation increases the costs of supplies and utilities that are purchased by prisons.
- Court Orders and Settlements.** Federal court orders and settlements affecting CDCR operations (such as inmate health care) have required specific program improvements. Over the past decade, these court cases have increased state costs by over \$1.5 billion.
- New and Expanded Programs.** Spending on corrections has increased due to the creation and expansion of various programs for offenders. For example, a couple of hundred million dollars have been added recently for rehabilitation programs.



Federal Court Reviews Prison Overcrowding

- ☑ In November 2006, the plaintiffs in two class action lawsuits—*Plata v. Schwarzenegger* (inmate medical care) and *Coleman v. Schwarzenegger* (inmate mental health care)—filed motions for the courts to convene a three-judge panel pursuant to the federal Prison Litigation Reform Act.
- ☑ In July 2007, a three-judge panel was convened to determine whether (1) prison overcrowding is the primary cause of the state's inability to provide constitutionally adequate inmate health care and (2) a prisoner release order is the only way to remedy these conditions.
- ☑ Intervenors in the proceedings include the California Correctional Peace Officers' Association, various law enforcement officers, some members of the Legislature, and various counties.



Federal Court Issued Tentative Ruling On February 9



The court made the following tentative findings and rulings:

- ***Overcrowding Primary Cause.*** Overcrowding is the primary cause of unconstitutional health care in California's prisons and no relief other than a prison release order to reduce or limit the prison population will remedy the conditions.
- ***Inmate Population Reduction.*** Inmate population must be reduced to 120 percent to 145 percent of prison design capacity, with some institutions or clinical programs at or below 100 percent, within two to three years of a final court ruling. The state would be required to develop an inmate reduction plan (including specific percentage reductions and dates when population targets would be met).
- ***Settlement Encouraged.*** Prior to a final ruling, the court encourages the state, plaintiffs, and intervenors to discuss joint recommendations and a possible settlement to the dispute at issue.



Potential Impacts of Federal Court Ruling

- Options to Reduce Inmate Population.*** Policy options to reduce the inmate population include (1) reducing prison admissions from the courts, (2) reducing inmate time served, and (3) reducing parole returns to prison.

- Reduced State Operational Costs.*** An inmate population reduction of 37,000 to 58,000 inmates would likely reduce prison expenditures by at least \$1 billion annually, depending on specific actions taken to reduce the inmate population. However, to the extent these offenders are placed on parole, the savings could be reduced.

- Reduced State Facility Needs.*** A significant population reduction could delay or eliminate the future need to construct prison facilities.

- Increased Local Government Costs.*** Depending on the specific actions taken to reduce the state's prison population, certain local government agencies, such as sheriff and probation departments, could incur increased workload and costs.



LAO Proposals to Realign Program and Funding Responsibilities to Counties



Lower-Level Adult Parolees

- Shift responsibility for supervising lower-level adult parolees—specifically those whose current conviction is for a nonserious, non-violent drug or property crime—to counties.
- Gives local governments a greater stake in the success of these offenders in their communities, thereby reducing their likelihood for reoffending.



Certain Adult Drug and Alcohol Offenders

- Shift responsibility for punishment and treatment of certain offenders with substance abuse problems—drug possession and driving under the influence offenders, as well as civil narcotic addicts—to counties.
- Improves drug and alcohol treatment outcomes by placing these offenders in programs more effective at rehabilitation.
- No immediate shift of offenders, since those inmates already in prison would remain there until they complete their sentences.



Juvenile Offenders

- Shift full programmatic and financial responsibility for all juvenile offenders to counties.
- Improves accountability for juvenile offenders; promotes flexibility, efficiency, and innovation; and facilitates closer supervision of offenders.
- In order to manage the transition, counties could contract with the state in the short-term.