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California Out-of-State Correctional Facility Program

LEGISLATIVE ANALYST'S OFFICE

Presented to:

Assembly Accountability and
Administrative Review Committee
Hon. Hector De La Torre, Chair





Overview of Out-of-State Bed Program

- ☑ **Mission.** The California Out-of-State Correctional Facility (COCF) program is administered by the California Department of Corrections and Rehabilitation (CDCR). Its mission is to transfer inmates out of state for the purpose of temporarily alleviating overcrowding within existing state prisons.

- ☑ **Number of Inmates.** The department currently has 8,021 male inmates housed in five out-of-state facilities. Inmates housed in these facilities are generally higher-security level inmates. Most inmates have been transferred involuntarily. Inmates with serious medical and mental health issues are generally excluded from the program.

- ☑ **Facilities.** The out-of-state facilities are located in Arizona, Mississippi, and Oklahoma. All facilities are contracted with the Corrections Corporation of America (CCA), a private, for-profit company. The facilities offer certain inmate programs, including education, vocational, and substance abuse programs.



Legal Authorization of COCF Program

- ☑ ***Governor Issues Emergency Proclamation.*** In October 2006, the Governor issued a State of Emergency Proclamation related to prison overcrowding. This proclamation directed CDCR to immediately contract with and transfer inmates to out-of-state correctional facilities. In addition, the measure (1) suspended statutory restrictions on the involuntary transfer of inmates, (2) specified criteria for selecting inmates, and (3) waived applicable state contract laws, including requirements for competitive bidding.

- ☑ ***Legislature Authorizes Involuntary Transfers.*** In May 2007, the Legislature enacted Chapter 7, Statutes of 2007 (AB 900, Solorio). Among other provisions, this legislation authorized CDCR to transfer inmates to out-of-state facilities on an involuntary basis until July 1, 2011, or until the department had replaced all “temporary beds” in the prison system (whichever is later). The legislation did not specify the total number of transfers to take place.

- ☑ ***Program Challenged in Court.*** After the COCF program began, a lawsuit was filed in state court alleging that the program violated certain state civil service rules. In February 2007, a state district court judge ruled that the program was in violation of state law. However, in June 2008, a court of appeal overturned this decision.



Procurement Process and Contract Awards

- Requests for Information (RFIs).** The CDCR has used an RFI process—which is not based on competitive bidding—to select a vendor. Potential vendors provided specific information in the RFIs, such as prison capacity, cost, and location. The department has chosen to contract with the CCA as a result of the RFI process.
- Contracts Awarded.** The department initially signed a contract with CCA in October 2006 for 1,000 beds at \$63 per bed per day. This contract was amended in January 2007, primarily due to delays in the transfer of inmates. In January 2008, CDCR signed a new contract with CCA for 7,772 beds at rates ranging from \$63 to \$72 per bed per day. This contract was amended in January 2008 to add an additional 360 beds and October 2009 to increase total capacity to 10,468 beds.
- Current Contract Provisions.** The department's current contract with CCA is effective until June 30, 2011 and specifies that CDCR can house up to a total of 10,468 inmates in these out-of-state beds. Under this contract, the contract rate per bed is \$61 to \$72 for CCA's facilities. Inmates are required to receive 32.5 hours per week of work or program assignment. The contract is contingent upon the Legislature providing funding in the annual state budget for the program.



COCF Program Funding and Staff

Program Budget

- The revised 2009-10 budget provides \$230.3 million in General Fund support for the COCF program. This amount includes: (1) \$204.2 million for the contracts with CCA and (2) \$26.1 million for CDCR staff to administer the program.
- The Governor's budget for 2010-11 proposes a \$50.4 million increase for the program in order to expand the number of out-of-state beds to 10,468.

Program Staffing

- The COCF program includes about 170 positions, including 97 caseload-driven positions (such as correctional counselors and case records analysts) and 73 positions to monitor and oversee the program at the out-of-state facilities.
- In addition, there are 33 positions located in other units within CDCR that also support the program, including 11 health care positions that provide medical screenings and oversight.