

April 17, 2013

# Complying With the Three-Judge Panel Prison Population Limit

LEGISLATIVE ANALYST'S OFFICE

Presented to:  
Assembly Budget Subcommittee No. 5 on Public Safety  
Hon. Reginald B. Jones-Sawyer, Sr., Chair





## Background

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### **Federal Courts Order State to Reduce Prison Population**

- In 2009, a federal three-judge panel declared that overcrowding was the primary reason that the California Department of Corrections and Rehabilitation was unable to provide constitutionally adequate inmate healthcare.
- In a subsequent order, the panel directed the state to reduce the population of its 33 prisons to 137.5 percent of design capacity by December 2013.

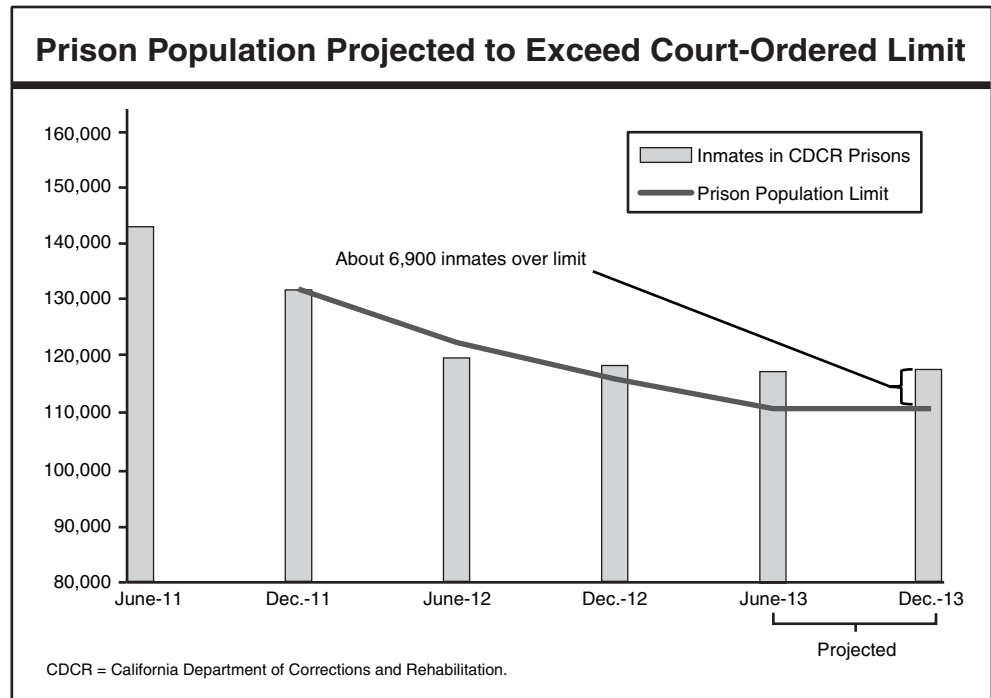


### **Administration Must Submit Plan to Reduce Prison Population**

- On April 11, 2013, the federal court rejected the administration's request to modify or vacate the population reduction order, requiring the state to comply with the December 2013 population limit.
- The three-judge panel has ordered the administration to submit a plan by May 2, 2013 to reduce the prison population to 137.5 percent of design capacity by December 31, 2013. The order gives the administration flexibility to choose *how* to reduce the population.



## Prison Population Projected to Exceed Court-Ordered Limit



- Despite the 2011 realignment, the inmate population is likely to exceed the court-ordered limit by around 6,900 inmates in December 2013.
- Current projections indicate that the inmate population will continue to increase. Absent changes, the prison population in 2017-18 would be around 14,000 inmates above the limit.



## Issues for Legislative Consideration

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- ☑ **Administration's Plan Will Likely Require Legislative Changes.** The administration may ask the Legislature to pass legislation to implement aspects of its population reduction plan. The Legislature could choose to modify the plan so that it is consistent with the Legislature's priorities.
  
- ☑ **Criteria for Considering Proposals to Comply With Prison Population Limit**
  - **Public Safety.** Can any negative impacts to public safety be mitigated by the use of evidence-based correctional practices, such as risk assessments and rehabilitation programs?
  - **Budget Impact.** What impact does the option have on state costs?
  - **Prison Overcrowding.** How much does the option reduce the prison population? How permanent is the reduction?
  - **Ease of Implementation.** Does the option require simple actions (like statutory changes) or something more complicated (like implementing a new program)? Would the option apply to current inmates or just future offenders?
  - **Shift of Responsibilities to Local Governments.** Will the option increase local costs or jail overcrowding?



## Options to Comply With the Prison Population Limit by December 2013

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- In previous court filings, the administration and plaintiffs have proposed various measures that could be used to reduce overcrowding and meet the population limit imposed by the federal court.
  
- Reduce Prison Admissions**
  - Realign additional offenses to county jurisdiction.
  - Reclassify certain offenses as misdemeanors.
  - Prohibit the admission of probationers admitted to prison for technical probation violations.
  - Divert more offenders from prison to community-based sanction and treatment programs.
  
- Reduce Inmate Length of Stay in Prison**
  - Release certain inmates early.
  - Transfer inmates to federal immigration authorities.
  - Reduce sentences for certain crimes or enhancements.
  - Increase the amount of credits inmates can earn.
  
- Modify Inmate Housing Options**
  - Increase the use of in-state and out-of-state contract beds.
  - Expand alternative custody programs for inmates.
  - Place more offenders in fire camps.