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Impact of Recent Criminal Justice Policies on the State Correctional Population

L E G I S L A T I V E A N A L Y S T ' S O F F I C E

Presented to:
Senate Budget and Fiscal Review Committee
Hon. Holly J. Mitchell, Chair





Federal Court Oversight of State Inmate Population



California's Inmate Health Care Found to Be Constitutionally Inadequate

- In 1995, a federal court ruled, in a lawsuit now named *Coleman v. Brown*, that California was in violation of U.S. constitutional standards for inmate mental health care.
- In 2005, a federal court ruled, in a lawsuit now named *Plata v. Brown*, that California failed to meet U.S. constitutional standards for inmate medical care.



Federal Three-Judge Panel Found That Overcrowding Caused Unconstitutional Health Care

- In 2006, plaintiffs in the above lawsuits filed motions for the courts to convene a three-judge panel to determine whether (1) prison overcrowding was the primary cause of the California Department of Corrections and Rehabilitation's (CDCR's) inability to provide constitutionally adequate inmate health care and (2) a prisoner release order was the only way to remedy these conditions.
- In 2009, the three-judge panel declared that prison overcrowding was the primary reason that CDCR was unable to provide constitutionally adequate inmate healthcare.



State Ordered to Reduce Prison Overcrowding

- In 2010, the three-judge panel ordered the state to reduce the population of its prisons to 137.5 percent of design capacity. (Design capacity generally refers to the number of beds that CDCR would operate if it housed only one inmate per cell.)
- In 2014, the three-judge panel ordered CDCR to develop and implement several population reduction measures—such as increased inmate credit earning and expanded medical parole—to help the state reach and maintain compliance with the population cap.



Federal Court Oversight of State Inmate Population

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Various Other Changes Have Allowed the State to Comply With Population Cap

- In order to comply with the prison population cap, the state took a number of actions, including (1) housing inmates in contract beds, (2) constructing additional prison capacity, and (3) reducing the inmate population through several policy changes outlined below.
- In addition, California voters have approved several measures that have reduced the inmate population.



Major Policy Changes That Reduced State's Correctional Population



Realignment (2011)

- Limited who could be sent to state prison, instead requiring that certain lower-level felons serve their incarceration terms in county jail.
- Required that counties, rather than the state, supervise certain lower-level felons released from state prison.



Proposition 36 (2012): Changes to Three Strikes Law

- Reduced prison sentences served under the three strikes law by certain third strikers whose current offenses are nonserious, nonviolent felonies.
- Allowed resentencing of certain third strikers serving life sentences for specified nonserious, nonviolent felonies.



Proposition 47 (2014): Sentencing for Nonserious, Nonviolent Felons

- Reduced penalties for certain offenders convicted of nonserious and nonviolent property and drug crimes.
- Allowed certain offenders who had been previously convicted of such crimes to apply for reduced sentences.



Court-Ordered Population Reduction Measures (2014)

- Expanded inmate eligibility to earn reduced prison terms through credits.
- Created new parole consideration processes for elderly inmates and nonviolent second strike inmates sentenced under the three strikes law.
- Expanded parole eligibility for medically incapacitated inmates.



Major Policy Changes That Reduced State's Correctional Population (Continued)

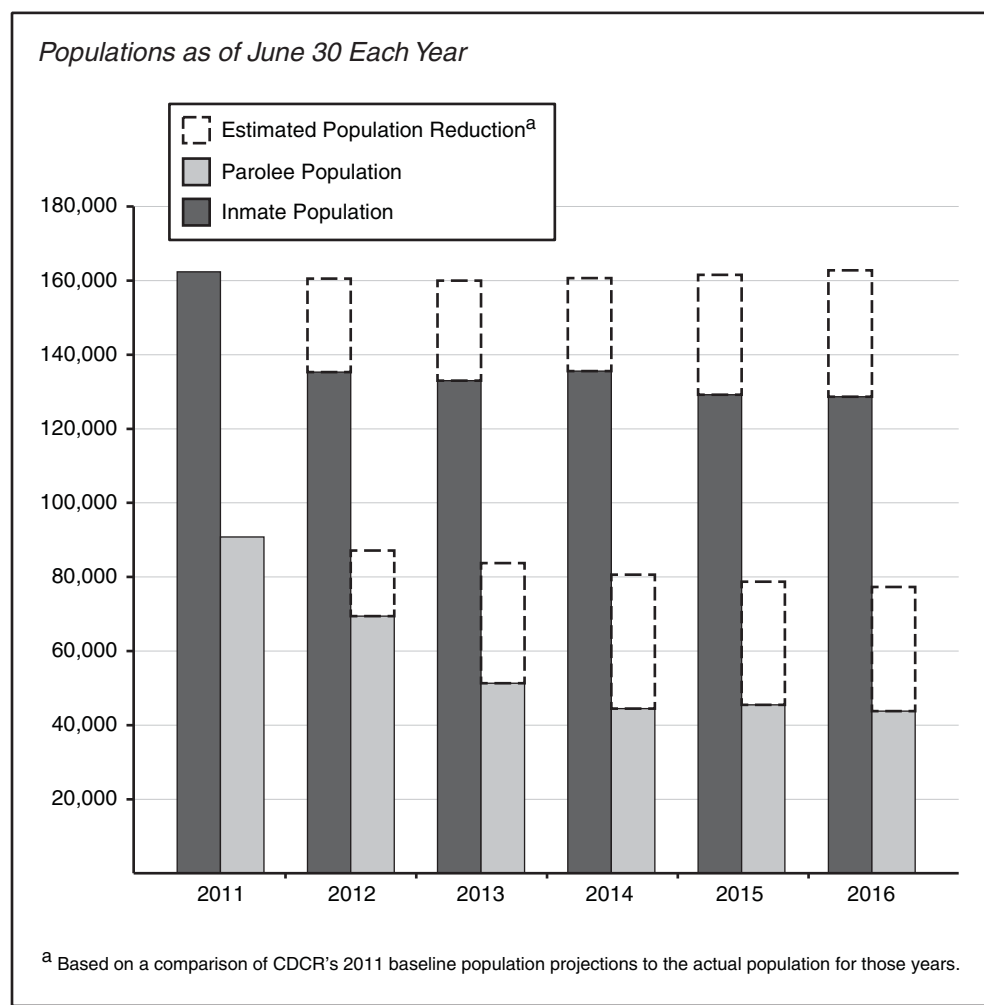


Proposition 57 (2016): Parole Consideration, Credits, and Juveniles Charged as Adults

- Expanded inmate eligibility for parole consideration.
- Increased the state's authority to reduce inmates' sentences through credits.
- Mandated that judges determine whether youth be subject to adult sentences in criminal court.



State Correctional Population Has Declined Significantly Since 2011



- Between 2011 and 2016, the state's inmate population declined by about 33,700 inmates (21 percent). Similarly, the parolee population declined by about 47,000 (52 percent) over this time period.
- Absent the various measures that were adopted, the inmate population was projected to be about 34,100 higher and the parolee population was projected to be about 33,500 higher than it actually was in 2016.