FEBRUARY 20, 2020

Impact of Recent Criminal Justice Policies on the State's Inmate Population

PRESENTED TO: Senate Budget and Fiscal Review Committee
and
Hon. Holly J. Mitchell, Chair

LEGISLATIVE ANALYST'S OFFICE

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. Newsom*, 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. Newsom*, 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) 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.)
- Accordingly, CDCR must limit the population of its 34 state-owned prisons to about 117,000 inmates, based on their current capacity.

Federal Court Oversight of State Inmate Population

(Continued)

▶ State Implemented Various Changes to Reduce Prison Overcrowding

- The state took a number of actions to comply with the overcrowding cap, including housing inmates in contract beds and constructing additional prison capacity.
- In addition, the state implemented various policy changes that significantly reduced the inmate population in recent years.

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

- Generally eliminated life sentences for offenders with two or more prior serious or violent felony convictions whose most recent offenses are nonserious, nonviolent felonies.
- Allowed offenders who were serving these sentences at the time to apply for reduced sentences.

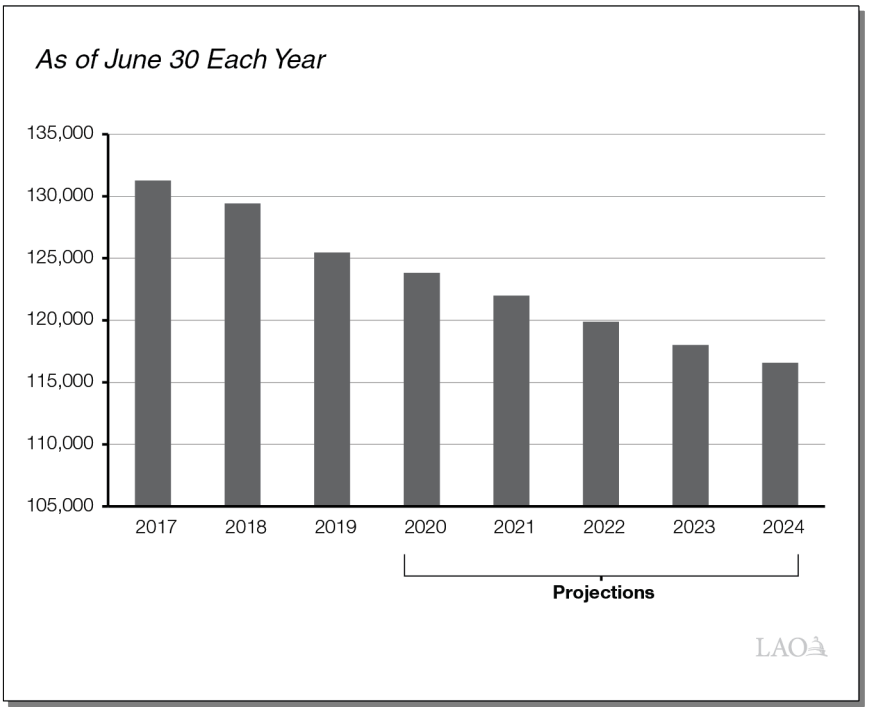
▶ Proposition 47 (2014): Sentencing for Nonserious, Nonviolent Felons

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

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

- Reduced the amount of time inmates serve in prison primarily by expanding inmate eligibility for release consideration and increasing CDCR's authority to reduce inmates' sentences through credits (such as for completion of rehabilitation programs).

Ongoing Projected Decline in State Inmate Population



- The state's inmate population has declined in recent years, primarily due to the effects of Proposition 57. Specifically, the population declined by about 5,800 inmates (4 percent) between June 30, 2017 and June 30, 2019.
- The inmate population is projected to decline by 8,900 inmates (7 percent) over the next few years—from about 125,500 inmates as of June 30, 2019 to 116,600 as of June 30, 2024. We note, however, that there is considerable uncertainty regarding the specific magnitude.
- The above population projections reflect adjustments that we made to the administration's most recent inmate population projections to account for the estimated effects of Chapter 590 of 2019 (SB 136, Wiener), which eliminates a one-year sentence enhancement for prior offenses in certain cases.