

## **AGENDA**

### **ASSEMBLY COMMITTEE ON PUBLIC SAFETY**

**Assemblymember Jose Solorio, Chair**

### **ASSEMBLY BUDGET SUBCOMMITTEE NO. 4 ON STATE ADMINISTRATION**

**Assemblymember Juan Arambula, Chair**

**TUESDAY, MARCH 6, 9:30 AM  
STATE CAPITOL, ROOM 126**

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### **INFORMATIONAL HEARING OVERVIEW OF PRISON POPULATION MANAGEMENT**

#### **PRESENTATIONS**

##### **Legislative Analyst's Office**

Dan Carson, Criminal Justice Director

Brian Brown, Senior Fiscal & Policy Analyst for Adult Corrections

##### **Department of Corrections and Rehabilitation**

##### **California State Sheriff's Association**

Nick Warner, Legislative Director

##### **Local Government Panel**

Geoff Davey, Chief Financial/Operations Officer, Sacramento County

Pat Leary, Assistant County Administrator, Yolo County

Elizabeth Howard, Legislative Representative, California State Association of Counties

##### **California Correctional Peace Officers Association**

Mike Jimenez, President

Craig Brown, Legislative Representative

##### **Public Comment**

**CALIFORNIA PRISON POPULATION**

With an average annual growth rate of five percent, the California Department of Corrections and Rehabilitation (CDCR) manages the largest state prison population in the United States. As of June 30, 2006, 172,508 inmates were housed throughout the systems, which consist of 33 adult institutions, 41 firefighting-conservation camps, and 12 community correctional facilities. Nearly fifty percent of inmates are incarcerated for nonviolent offenses. About sixty-three percent of the inmates are new admissions from the courts, while thirty-seven percent are returning parolees. The 2007-08 board assumes that the department will house an average daily population of 177,577, a 2.4 percent above current projections.

On January 31, 2007, CDCR had a population of 171,989 inmates. Although the actual January population is 2,578 below the 2006 Spring Population, the inmate population still exceeds the systems permanent capacity of 156,500 beds. Permanent capacity refers to the number of beds CDCR would manage if it placed two inmates in each cell and utilized bunk beds in all dormitories. To close the gap, CDCR utilizes temporary or "bad" beds to housing approximately 16,000 inmates. Temporary beds involve housing inmates in spaces not originally designed for housing, such as gyms and dayrooms. The department projects that it will exhaust its total capacity (the combination of permanent and temporary beds) by August 2007.

**PRISON OVERCROWDING**

On October 4, 2006, the Governor declared a state of emergency for California's prison system. Within the proclamation, the Governor cited severe overcrowding as a threat to the health and safety of department employees and inmates. Most notably, the Governor referred to the incredibly high inmate suicide rate (one inmate death per week) in 29 of the state's most severely overcrowded prisons. Additionally, the Governor's proclamation order the department to "immediately contract for out-of-state correctional facilities" to effectuate the voluntary and involuntary transfers of inmates.

The department has already entered into contractual agreements with GEO Group Inc and the Correctional Corporation of America to temporarily provide 2,260 beds for inmates outside of California. As of January 26, 2007, California has 353 inmates: 80 inmates located in Tennessee and 273 located in Arizona. Recently, the administration announced its intention to begin the involuntary transfers of inmates. On Tuesday, February 20, 2007, however, the administration's effort to transfer inmates – voluntary or involuntary – was ruled unlawful.

Superior Court Judge Gail Ohanesian ruled that the Governor had improperly declared a state-of-emergency, nullifying the out-of-state contracts with private prisons. The ruling concluded four months of litigation between the administration and two employee representatives (California Correctional Peace Officers Association and Service Employees International Union Local 1000). However, the Judge delayed enforcement of the order for ten days, giving the state time to appeal.

### BUDGET YEAR PROPOSALS

The Governor's January 10 budget for the 2007-08 fiscal year contained various proposals to address prison overcrowding. Below is a brief description of the proposal's three main components.

**Expansion of Existing Capacity.** The administration proposes \$4.9 billion in lease-revenue bonds and \$15 million in General Fund to increase existing capacity by 28,000 to 30,000 beds.

**Population Reduction.** The administration proposes to change the sentencing structure to allow certain low-level offenders to be housed in local jails instead of state prison; eliminate the housing of county inmates in state prison for diagnostic purposes; and reduce or eliminate the parole terms of some low level offenders.

**Expansion of Local Jail Capacity.** The administration proposes \$4.4 billion in lease-revenue bonds (with a \$1.1 billion county matching funds) to construct 50,000 beds at the local level.

### LAO: ANALYSIS OF THE 2007-08 BUDGET BILL

In review of the January 10 budget, the LAO concluded that the administration's proposal designed to reduce prison overcrowding has merit. However, the LAO expressed concern that the administration's proposal would create a large surplus of state prison capacity and provide the wrong mix of beds.

According to the LAO analysis, as a package, the administration proposals would create a surplus of 32,000 beds in 2012. Specifically, the proposal would create a surplus of 25,000 medium-security beds, but create a deficit of more than 3,000 beds in high security levels, which are more costly to construct.

The LAO offers the Legislature an alternative that provides a modest surplus of beds (11,000 beds by 2012) and a better mix of beds by security level.

Additionally, LAO noted that level 1 and level 2 inmates make up the majority of the system's bed needed.

**CSSA: COMMUNITY RE-ENTRY FACILITY PROGRAM**

In response to the administration's proposal regarding local jail expansion (including the creation re-entry facilities), the California State Sheriff's Association (CSSA) has proposed the State/Local Detention Facilities plan to manage state-wide overcrowding.

California currently has 116 local jail facilities located in 57 counties with a combined state rated capacity of 75,339 adults. These county jails house pre-sentenced arrestees awaiting adjudication for charged crimes, and convicted felons and misdemeanants. Most counties are also dealing with issues of overcrowding. Twenty counties are operating under court order jail population caps, and another 12 counties operate under self-imposed caps. As a result, a number of individuals are being release prior to completion of their sentence. In 2005, 233,000 people were released early or never incarcerated due to local jail overcrowding.

The CSSA proposal would establish a Community Re-entry Facility construction program to construct 36,000 beds, with an equal number of beds for state and local inmates. State inmate with 12 to 18 months remaining on their sentences would qualify to serve their final months prior to release in the Community Re-entry Facilities (CRF) near to their home. CRFs could also be used to conduct risk assessments for inmates at the beginning of the incarceration in order to develop a re-entry plan.

Under the CSSA proposal, these CRFs would be developed on a county-by-county basis. Variables could include size, types of programs to be offered, operational staffing, etc. Funding for CRF construction will be \$4.5 billion (\$4 billion in state funds with a 25 percent local match).