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Corrections Spending Through the State Budget Since 2007-08: Still High Despite Recent Reforms

In recent years, California has made significant progress in reducing the number of people involved with the state correctional system. These declines resulted from criminal justice reforms adopted by state policymakers and the voters following a 2009 federal court order requiring California to reduce overcrowding in state prisons.

This *Issue Brief* examines changes in corrections spending from the 2007-08 fiscal year – when the numbers of incarcerated adults and parolees peaked – to 2015-16, which began this past July. While total corrections spending as a share of the state budget is down slightly since 2007-08, spending for *adults under state jurisdiction* – which comprises more than 80 percent of total corrections expenditures and includes security and operations as well as health care – remains stubbornly high.

Significantly – and permanently – reducing corrections spending will require the state to take additional steps. These could include further reforming California’s sentencing laws, particularly with an eye toward cutting the length of prison sentences. This would reduce the number of incarcerated adults, which would allow the state to close one or more prisons and could help to lower prison health care spending.

California Has Made Significant Strides in Reducing the Number of People Involved With the State Correctional System

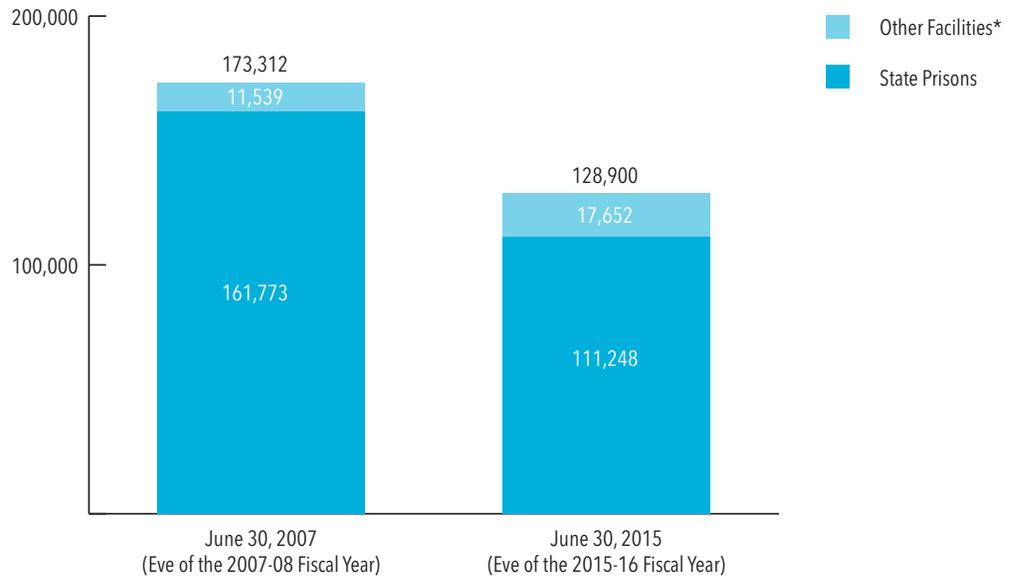
California has substantially reduced the numbers of incarcerated adults and parolees from their peak levels in 2007.¹ The number of adults incarcerated in state prisons or other facilities, which stood at 173,312 in mid-2007, fell to 128,900 by mid-2015, a nearly 26 percent reduction (Figure 1).² The number of adults on parole – people who are under the supervision of state parole agents following release from prison – registered an even steeper decline, falling from 126,330 in mid-2007 to 45,473 in mid-2015, a drop of 64 percent (Figure 2).³

These reductions resulted largely from a series of policy changes adopted in the wake of a 2009 federal court order requiring California to reduce overcrowding in state prisons.⁴ These policy changes include:

- **Changes adopted by state policymakers.** Policymakers enacted a number of reforms intended to comply with the court order.⁵ The most significant change involved shifting – or “realigning” – to counties the responsibility for managing and supervising many adults who previously would have served state prison sentences and been released to state parole.⁶ (This change, which is referred to as “community corrections,” took effect on October 1, 2011.) For example, many adults

FIGURE 1

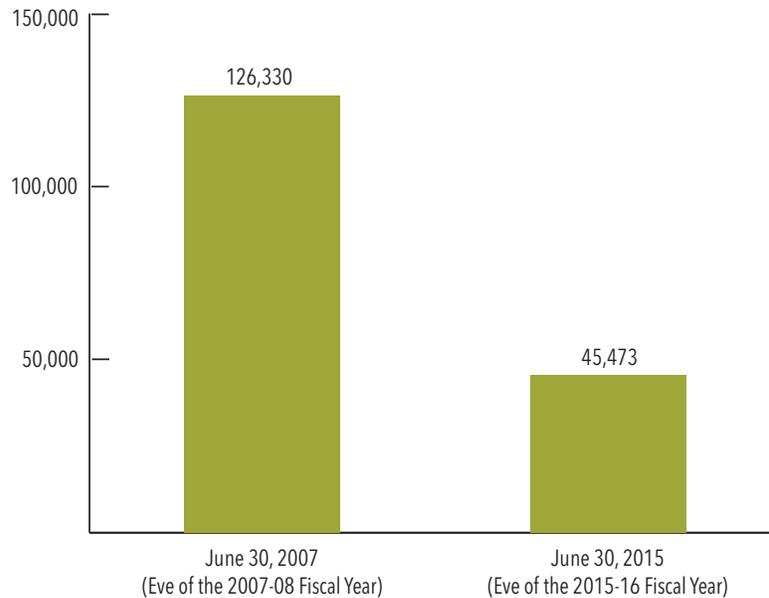
The Number of Incarcerated Adults in State Custody Is Down by More Than One-Quarter Since Mid-2007



* In-state and out-of-state contract facilities, fire camps, and state hospitals for the mentally ill.
 Source: California Department of Corrections and Rehabilitation

FIGURE 2

The Number of Adult Parolees Under State Jurisdiction Is Down by Nearly Two-Thirds Since Mid-2007



Source: California Department of Corrections and Rehabilitation

convicted of “lower-level” felonies now serve their sentences locally, rather than in state prison.⁷ In addition, policymakers established new financial incentives for counties to reduce the number of probationers sent to state prison for failing on probation.⁸

- **Changes adopted by the voters.** California voters approved two ballot measures that reduced penalties for certain crimes. Proposition 36 of 2012 amended the state’s “three strikes” law to shorten prison sentences for many people who receive a third strike for a nonviolent, nonserious felony. This measure also allowed prisoners who had received a third strike for a nonviolent or nonserious offense – and were thus serving a 25-years-to-life term – to petition the court to reduce their sentences.⁹ Proposition 47 of 2014 reclassified certain drug and property crimes as misdemeanors and allowed people previously convicted of these crimes to petition for resentencing.¹⁰

Total Corrections Spending Through the 2015-16 State Budget Is Similar to the 2007-08 Level, After Adjusting for Inflation

The state budget for 2015-16 includes total corrections spending of \$11.7 billion.¹¹ This is similar to the \$11.5 billion that the state spent on corrections in 2007-08, after adjusting for inflation (Figure 3).¹² Total corrections spending consists of:

- **Adult corrections.** The vast majority of corrections spending through the state budget – more than 90 percent – supports adult corrections. The 2015-16 budget includes \$10.8 billion for adult corrections – an increase of \$560 million over the inflation-adjusted 2007-08 level (\$10.2 billion). In 2015-16, adult corrections reflects spending for:
 - *Adults under state jurisdiction.* Most funding for adult corrections – \$9.6 billion in 2015-16 – is for adults under state jurisdiction. These dollars support the cost of housing men and women in state prisons and other

correctional facilities, providing health care and rehabilitation services, and supervising individuals who have been released to state parole. These funds are included in the budget of the California Department of Corrections and Rehabilitation (CDCR), with nearly all of the dollars coming from the state General Fund, the primary source of state support for public services and systems.

- *Adults under county jurisdiction.* The remaining funding for adult corrections – \$1.2 billion in 2015-16 – is for adults under county jurisdiction. These revenues, which support counties’ new role in community corrections under the 2011 realignment, flow through a special fund that is outside of the CDCR’s budget.¹³
- **Other corrections.** The 2015-16 budget includes \$919 million for other correctional costs, a decrease of \$351 million from the inflation-adjusted 2007-08 level (\$1.3 billion). This category consists of CDCR statewide administration, youth correctional operations and services funded through the CDCR’s budget, and the independent Board of State and Community Corrections (BSCC).¹⁴ Most of the total funding for these purposes comes from the General Fund. This category also includes two juvenile justice grants for counties that are supported with special fund revenues through the 2011 realignment.¹⁵

Total Corrections Spending as a Share of California’s State Budget Is Down Slightly From 2007-08

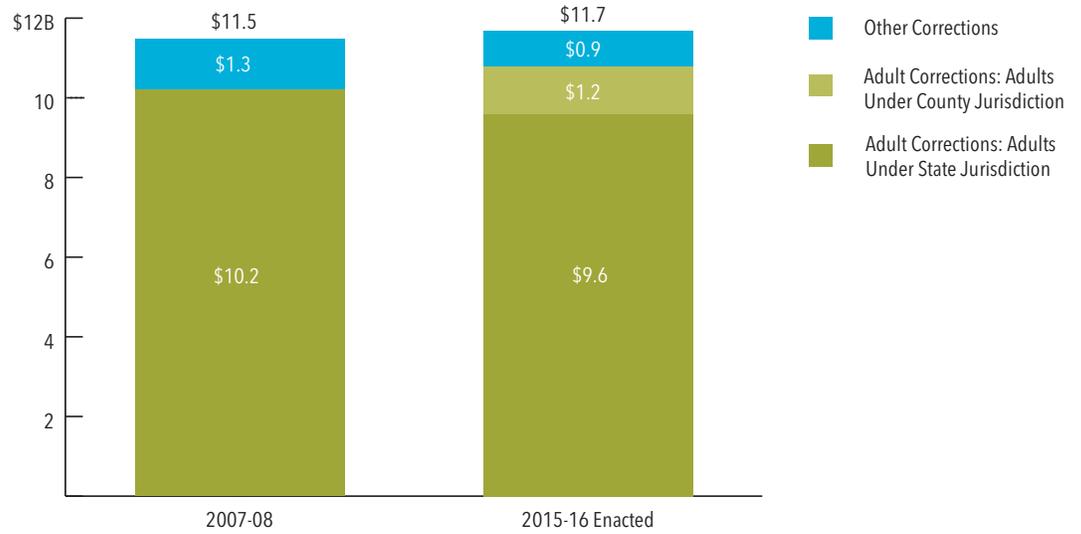
Total corrections spending today makes up a slightly smaller share of the state budget compared to eight years ago (Figure 4). In 2007-08, corrections spending was 7.8 percent of the state budget, as measured by combined General Fund and special fund expenditures.¹⁶ In contrast, corrections spending accounts for 7.3 percent of the 2015-16 state budget.

This decline is due to the fact that while corrections spending today is about the same as the 2007-08

FIGURE 3

Total Corrections Spending in the 2015-16 State Budget Is Similar to the 2007-08 Level

Dollars in Billions, Inflation-Adjusted



Note: Figures reflect 2015-16 dollars and include spending from multiple fund sources for the California Department of Corrections and Rehabilitation, the Board of State and Community Corrections, and local community corrections and juvenile justice programs funded through the 2011 realignment.
Source: Department of Finance

FIGURE 4

Total Corrections Spending Has Declined Slightly as a Share of California's State Budget Since 2007-08

Corrections Expenditures as a Percentage of General Fund and Special Fund Expenditures



Note: Corrections expenditures are from multiple fund sources for the California Department of Corrections and Rehabilitation, the Board of State and Community Corrections, and local community corrections and juvenile justice programs funded through the 2011 realignment.
Source: Department of Finance

level, total state spending is up by more than 9 percent from 2007-08 to 2015-16.¹⁷ In other words, while the state budget “pie” has gotten larger, the size of the “slice” going to corrections has remained more or less the same, leaving more funding in the state budget for other public services and systems.¹⁸ This is clearly a positive development in light of the “steady climb” in corrections spending that occurred in California from the early 1980s to the mid-2000s.¹⁹

Spending for Adults Under State Jurisdiction – Which Makes Up More Than 80 Percent of Total Corrections Spending – Remains Stubbornly High

The sharp drop in the numbers of incarcerated adults and parolees since 2007 has not translated into a similar decline in corrections spending, which remains stubbornly high. As shown above, the 2015-16 budget provides \$9.6 billion for *adult* corrections at the state level. This is just 6 percent (\$620 million) below the amount the state spent in 2007-08 (\$10.2 billion), after adjusting for inflation.²⁰ However, this modest reduction masks significant variation across the four categories that comprise adult corrections spending: security and operations, health care, rehabilitation services, and parole (Figures 5 and 6).

Spending for Security and Operations Is Nearly Equal to the 2007-08 Level

The 2015-16 budget provides \$6.2 billion for security and operations, which includes the cost of salaries and benefits for correctional officers and various support services for incarcerated adults, such as meals and clothing.²¹ This is just \$15 million (0.2 percent) below the amount that the state spent in 2007-08, after adjusting for inflation. In other words, California today is spending *roughly the same amount* on security and operations as it did eight years ago, even though the number of incarcerated adults is more than 40,000 *below* the mid-2007 level.

One explanation for these diverging trends is that the state’s *per capita* costs – the cost for each incarcerated adult, including spending for security and operations – have gone up even as the correctional population has declined.²² In 2007-08,

the state spent an inflation-adjusted \$56,000 for each adult incarcerated in state prisons, but is projected to spend nearly \$64,000 per capita in 2015-16 – a 14 percent increase.²³ In part, per capita costs have risen because staffing levels have not declined commensurate with the drop in the prison population, with the result being that there are fewer incarcerated adults for each prison staffer.²⁴ Furthermore, reducing fixed costs in the prison system – such as utilities, leases, and maintenance – likely has been difficult given that the state has not closed any prisons in recent years.²⁵

Spending on Health Care for Incarcerated Adults Is About 2 Percent Below the 2007-08 Level

The 2015-16 budget includes just over \$2.4 billion for health care for incarcerated adults.²⁶ This is \$48 million (1.9 percent) less than the \$2.5 billion the state spent in 2007-08, after adjusting for inflation. In other words, while state spending on health care for incarcerated adults remains high – particularly in light of the recent decline in the prison population – the state is expected to spend *slightly less* on inmate health care during 2015-16 than it spent eight years ago.²⁷

However, the fact that prison medical care has been managed by a court-appointed “receiver” since 2006 means that state officials lack the authority to implement cost-control measures that could further reduce prison health care spending without diminishing the quality of care.²⁸ The receiver “is responsible for improving state prison medical care and has little incentive to hold down costs,” in the view of some observers.²⁹ In fact, by the late 2000s – soon after the receiver took control – California’s prison health care spending had jumped to nearly \$12,000 per incarcerated adult, the highest per capita cost in the nation.³⁰

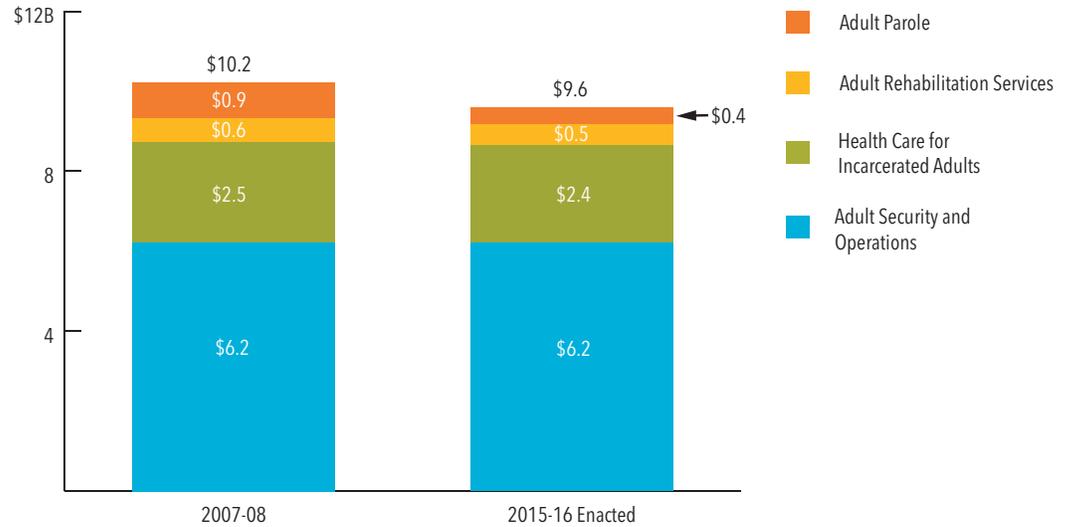
Spending for Both Parole and Rehabilitation Services Has Dropped Considerably Since 2007-08

The 2015-16 budget provides \$410 million for adult parole, 53.6 percent less than the state spent on

FIGURE 5

The Largest Corrections Expenditures – Health Care and Security and Operations – Are Similar to 2007-08 Levels

Spending for Adults Under State Jurisdiction, Dollars in Billions, Inflation-Adjusted

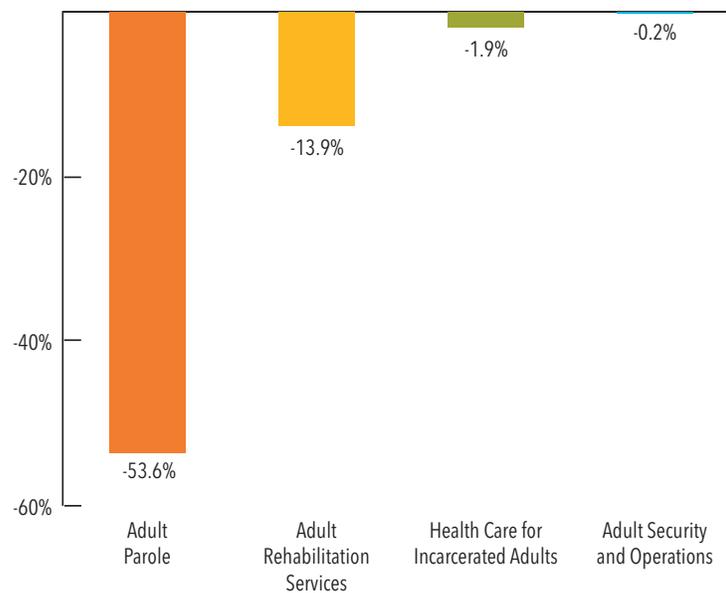


Note: Figures reflect 2015-16 dollars and include selected expenditures from multiple fund sources for the California Department of Corrections and Rehabilitation. Subtotals may not sum to totals due to rounding.
Source: Department of Finance

FIGURE 6

Parole and Rehabilitation Expenditures Are Down Notably, in Contrast to Health Care and Security and Operations

Change in Inflation-Adjusted Spending, Adults Under State Jurisdiction, 2007-08 to 2015-16*



* 2015-16 enacted.
Source: Department of Finance

parole in 2007-08 (\$883 million), after adjusting for inflation. Budgeted spending for rehabilitation services in 2015-16 – \$528 million – is 13.9 percent below the inflation-adjusted 2007-08 level (\$613 million).³¹ These spending declines suggest that parole and, to a lesser extent, rehabilitation services were downsized as the number of Californians involved with the state correctional system plunged in recent years.

Efforts to Reduce Corrections Spending Should Focus on Adult Corrections at the State Level

Efforts to substantially reduce corrections spending will need to focus primarily on *adult* corrections at the state level. This is because spending for adults under state jurisdiction accounts for more than 80 percent of all corrections expenditures through the state budget (\$9.6 billion out of \$11.7 billion in 2015-16).³² Most state most spending on adult corrections supports either security and operations (\$6.2 billion) or health care (\$2.4 billion). Both of these areas have proven to be relatively impervious to cost reductions, despite the substantial drop in the number of incarcerated adults in recent years.

Significantly – and permanently – reducing expenditures for security and operations and for health care will require state policymakers, and possibly California voters, to enact changes that go beyond the criminal justice reforms of recent years. This includes adopting policies that aim to reduce the number of correctional facilities – including state prisons – and deliver more cost-effective prison health care.

Reducing Prison Terms Would Allow the State to Close Prisons and Other Facilities, Generating Savings

State policymakers could significantly reduce the cost of incarceration by eliminating the use of “contract beds” in California and other states and, ultimately, closing one or more state prisons. Ending the use of contract beds would reduce state costs by several hundred million dollars per year. Closing one or more prisons would likely generate even larger

ongoing state savings. Operating fewer prisons would eliminate many fixed costs – such as leases, utilities, vendor contracts, and maintenance – and could allow the state to reduce staffing levels.³³

In order to decrease the number of correctional facilities – while still complying with the federal court order to limit prison overcrowding – state policymakers would have to substantially reduce the number of incarcerated adults.³⁴ One approach would be to cut the amount of time that adults spend behind bars, since “longer prison terms have been a key driver of prison populations and costs.”³⁵ For example, state policymakers could further reform California’s complex sentencing laws, particularly with an eye toward cutting the length of prison sentences.³⁶ (Experts argue that prison terms – “lengths of stay” – can be reduced without compromising public safety.)³⁷ Currently, more than 112,000 adults are incarcerated in 34 state prisons that were designed to hold about 82,700 individuals, and nearly 12,000 adults are housed in contract facilities in California and other states.³⁸ Reducing these numbers would require state policymakers and/or the voters to enact reforms that go well beyond the changes made by Proposition 36 of 2012 and Proposition 47 of 2014.³⁹

Reducing Incarceration and Ending the Federal Receivership Could Help to Lower Prison Health Care Spending

Reducing incarceration also could help to lower prison health care spending. This is partly because a smaller prison population would mean fewer adults in need of care. Moreover, if the state were able to substantially reduce the number of *elderly* prisoners, the decline in health care spending would likely be even greater because older adults tend to require more health care and, in turn, are more expensive to incarcerate.⁴⁰

In addition, when the state regains control of prison medical care from the court-appointed receiver (there is currently no hard deadline for such a transition), state officials could put in place policies intended to provide more cost-effective care, thereby reducing the per capita cost of prison health care.⁴¹ However, the state would have to ensure that prison medical care

continues to meet US constitutional standards in order to avoid further involvement by the federal courts and the possible reinstatement of the receivership.

Conclusion

California has made limited progress in reducing the size of the corrections “footprint” on the state budget. Yet, corrections expenditures remain stubbornly high considering that the number of people involved with the state correctional system has plunged in recent years.

Significantly – and permanently – reducing the cost of incarceration will require state policymakers and/or California voters to make some tough policy choices

in the years ahead. This includes further reforming the state’s complex sentencing laws – particularly with an eye toward cutting the length of prison sentences – a change that would shrink the size of the prison population and allow the state reduce the number of prisons and other correctional facilities. State policymakers also could implement measures aimed at better controlling the cost of prison health care once the federal receivership ends.

Reducing the cost of the state correctional system would “free up” revenues that could then be redirected to public services and systems that can promote broadly shared prosperity and help all families in our state to achieve economic security.

Scott Graves prepared this *Issue Brief*. The California Budget & Policy Center was established in 1995 to provide Californians with a source of timely, objective, and accessible expertise on state fiscal and economic policy issues. The Budget Center engages in independent fiscal and policy analysis and public education with the goal of improving public policies affecting the economic and social well-being of low- and middle-income Californians. General operating support for the Budget Center is provided by foundation grants, subscriptions, and individual contributions. Please visit the Budget Center’s website at calbudgetcenter.org.

ENDNOTES

- ¹ According to monthly population reports from the California Department of Corrections and Rehabilitation, the number of incarcerated adults under state jurisdiction peaked at 173,614 on August 31, 2007, and the number of state parolees peaked at 127,874 on July 31, 2007. However, this *Issue Brief* highlights the inmate and parolee populations as of June 30, 2007 (mid-2007) for two reasons. First, the inmate and parolee populations were near their all-time highs on that date. Second, using June 30, 2007, as a baseline provides a logical and consistent point of comparison with the inmate and parolee populations under the state’s jurisdiction in mid-2015.
- ² California Department of Corrections and Rehabilitation, *Monthly Report of Population as of Midnight June 30, 2007* (July 3, 2007) and California Department of Corrections and Rehabilitation, *Monthly Report of Population as of Midnight June 30, 2015* (July 1, 2015).
- ³ California Department of Corrections and Rehabilitation, *Monthly Report of Population as of Midnight June 30, 2007* (July 3, 2007) and California Department of Corrections and Rehabilitation, *Monthly Report of Population as of Midnight June 30, 2015* (July 1, 2015).
- ⁴ In August 2009, a panel of federal judges ruled that overcrowding was the main reason that California was failing to provide prisoners with health care that met US constitutional standards. This three-judge panel ordered the state to reduce the prison population to 137.5 percent of the system’s “design capacity,” a decision that was upheld by the US Supreme Court in 2011. The court subsequently extended the state’s deadline for complying with this order to February 28, 2016. For an overview of the three-judge panel’s order, see Legislative Analyst’s Office, *The 2014-15 Budget: Administration’s Response to Prison Overcrowding Order* (February 28, 2014), pp. 2-3.
- ⁵ For an overview of the state’s initial efforts to comply with the federal court order, see Legislative Analyst’s Office, *The 2014-15 Budget: Administration’s Response to Prison Overcrowding Order* (February 28, 2014), p. 2.
- ⁶ For a detailed overview of the 2011 realignment – which included health and human services programs in addition to corrections – see Scott Graves, *Finishing the Job: Moving Realignment Toward Completion in 2012* (California Budget & Policy Center: June 2012).
- ⁷ The phrase “lower-level” refers to nonviolent, nonserious, nonsex offenses. Under the 2011 realignment, counties are generally responsible for managing adult offenders who do not have a *current* or *prior* conviction for a violent, serious, or sex crime. The 2011 realignment included two additional policy changes affecting adult corrections. Counties now supervise adults released from prison

whose *current* offense is not violent or serious and who are not otherwise eligible for state parole. (This responsibility is called “Post-Release Community Supervision.”) In addition, counties are generally responsible for managing adults who violate a condition of their parole, whether they are supervised by the state or by a county. The maximum penalty for a “technical” parole violation is 180 days in county jail. Prior to realignment, parole violators could be returned to state prison. For detailed overviews of counties’ new correctional responsibilities under the 2011 realignment, see Scott Graves, *Steady Climb: State Corrections Spending in California* (California Budget & Policy Center: September 2011), pp. 3-4, and Legislative Analyst’s Office, *The 2012-13 Budget: The 2011 Realignment of Adult Offenders – An Update* (February 22, 2012), pp. 7-8.

- 8 These financial incentives were created by Senate Bill 678 (Leno, Chapter 608 of 2009). People “fail” on probation by committing a new offense or violating the terms of their probation. See Judicial Council of California, *Report on the California Community Corrections Performance Incentives Act of 2009: Findings From the SB 678 Program* (April 2013), pp. 1 and 4. For an overview of probation – a “community alternative to incarceration” – see Legislative Analyst’s Office, *Achieving Better Outcomes for Adult Probation* (May 29, 2009), p. 6.
- 9 Scott Graves, *What Would Proposition 36 Mean for California?* (California Budget & Policy Center: October 2012).
- 10 Selena Teji, *Proposition 47: Should California Reduce Penalties for Drug and Property Crimes and Invest in Treatment?* (California Budget & Policy Center: September 2014).
- 11 This *Issue Brief* analyzes expenditures that fund the *operational* costs of the correctional system. The analysis excludes expenditures for corrections-related *infrastructure* projects because this spending can vary substantially from year to year. In addition, in order to further ensure an “apples-to-apples” comparison between corrections expenditures in 2007-08 and 2015-16, this *Issue Brief* defines “total corrections spending” as follows. First, this spending includes all funds budgeted through the California Department of Corrections and Rehabilitation (CDCR) and the Board of State and Community Corrections – excluding spending for infrastructure projects as well as for California Department of Justice (DOJ) legal services. (DOJ legal services were included in the CDCR’s 2015-16 budget, but not in the CDCR’s 2007-08 budget). Second, “total corrections spending” includes some special fund revenues that counties receive due to the 2011 state-to-county “realignment” (discussed later in this *Issue Brief*). Specifically, this analysis includes realignment revenues that support counties’ new role in *adult* corrections as well as their ongoing role in supervising and providing services to nearly all *youth* who are involved with the criminal justice system. Prior to the 2011 realignment, these corrections-related activities were supported with General Fund revenues through the CDCR’s budget. Third, “total corrections spending” excludes realignment revenues that counties receive for trial court security, district attorneys and public defenders, and local law enforcement services.
- 12 This *Issue Brief* adjusts 2007-08 spending for inflation using the California Consumer Price Index for All Urban Consumers (CPI-U). Expenditures for 2007-08 are displayed in 2015-16 dollars.
- 13 The Legislature redirected to counties two existing revenue streams that fund counties’ new responsibilities under the 2011 realignment: 1.0625 cents of the state sales tax rate and a portion of Vehicle License Fee revenues. Realignment revenues are constitutionally protected by Proposition 30, a ballot measure approved by voters in 2012. Proposition 30 amended the state Constitution to require the state to continue providing counties with revenues to fund their new responsibilities under the 2011 realignment.
- 14 Prior to 2012-13, the BSCC was called the Corrections Standards Authority and was included in the CDCR’s budget.
- 15 When state policymakers enacted realignment in 2011, they allocated a portion of realignment revenues to fund two existing juvenile justice grants: the Youthful Offender Block Grant and the Juvenile Reentry Grant. These grants, which were previously included in the CDCR’s budget and had been funded with General Fund dollars, support counties’ role in supervising and providing services to nearly all youth who are involved with the criminal justice system. Realignment revenues are constitutionally protected by Proposition 30, a ballot measure approved by voters in 2012. Proposition 30 amended the state Constitution to require the state to continue providing counties with revenues to fund their new responsibilities under the 2011 realignment.
- 16 This analysis defines the “state budget” as consisting of *both* General Fund and special fund dollars because of the difficulty of accurately comparing *solely* General Fund expenditures in recent years. Due to various funding shifts, “current General Fund spending arguably is understated relative to what might have been expected prior to the recession” that began in 2007, according to the Legislative Analyst’s Office. See Legislative Analyst’s Office, *Letter to Senator Leno on State Spending* (March 9, 2015).
- 17 Total corrections spending increased by 1.8 percent between 2007-08 and 2015-16 – from \$11.5 billion to \$11.7 billion – after adjusting for inflation. General Fund and special fund spending rose from an inflation-adjusted \$147.4 billion in 2007-08 to \$161.1 billion in 2015-16, a 9.3 percent increase.
- 18 If total spending on corrections comprised the same share of the state budget today as it did in 2007-08 (7.8 percent), corrections expenditures would exceed \$12.5 billion in 2015-16 – roughly \$850 million more than the budgeted level of \$11.7 billion.
- 19 Scott Graves, *Steady Climb: State Corrections Spending in California* (California Budget & Policy Center: September 2011).
- 20 Furthermore, these modest state savings – \$620 million – are more than offset by the \$1.2 *billion* in state revenues that counties will receive in 2015-16 to support their new role in community corrections under the 2011 realignment.
- 21 In this analysis, “security and operations” includes spending for state prisons as well as for other facilities in which adults are incarcerated, including contract facilities located in California and other states.
- 22 Spending for security and operations accounts for well over half of the state’s total cost per prison inmate. For example, in 2011-12, the state spent roughly \$32,000 per prison inmate on security and operations, which was 62 percent of the total cost per inmate that fiscal year (\$51,889). The state’s per-inmate costs also reflect spending for health care, rehabilitation services, and administration. Legislative Analyst’s Office, *California’s Criminal Justice System: A Primer* (January 2013), p. 50.
- 23 These per capita figures reflect costs for adults incarcerated in state prisons as well as the relatively small number of adults housed in fire camps. The Department of Finance (DOF) annually publishes per capita costs for state prisons and fire camps, which are known as

- “institutions.” The 2007-08 per capita cost for state prisons and fire camps (\$49,212, or \$55,959 in 2015-16 dollars) was published in the CDCR section of the Governor’s proposed 2009-10 budget (January 2009), which can be accessed at http://dof.ca.gov/budget/historical_ebudgets/. The projected 2015-16 per capita cost for state prisons and fire camps (\$63,848) was published in the CDCR section of the Governor’s proposed 2015-16 budget (January 2015), which can be accessed at <http://www.ebudget.ca.gov/>.
- 24 The “inmate-to-staff” ratio for state prisons and fire camps declined from 2.86-to-1 in 2007-08 to a projected 2.20-to-1 in 2015-16. If staffing levels were declining commensurate with the drop in the prison population, the inmate-to-staff ratio in 2015-16 would be equal to the 2007-08 ratio. The DOF annually publishes the inmate-to-staff ratio for state prisons and fire camps, which are known as “institutions.” The 2007-08 inmate-to-staff ratio for state prisons and fire camps was published in the CDCR section of the Governor’s proposed 2009-10 budget (January 2009), which can be accessed at http://dof.ca.gov/budget/historical_ebudgets/. The projected 2015-16 inmate-to-staff ratio for state prisons and fire camps was published in the CDCR section of the Governor’s proposed 2015-16 budget (January 2015), which can be accessed at <http://www.ebudget.ca.gov/>.
 - 25 In fact, the state plans to activate three new infill bed facilities in February 2016 that will expand the design capacity of the state’s 34 prisons by 2,400 beds. On this point, see Legislative Analyst’s Office, *The 2015-16 Budget: California Spending Plan* (October 2015), pp. 59-60. Absent a significant downsizing of staffing and facilities, fixed costs would not necessarily be expected to decline in tandem with the drop in the number of incarcerated adults, particularly over a relatively short period. Furthermore, to the extent that fixed costs decline more slowly than the prison population does, the cost per incarcerated adult would be expected to *increase*, other things being equal.
 - 26 In this analysis, “health care” is used broadly to refer to medical care, mental health care, dental care, and related services.
 - 27 The drop in health care spending for incarcerated adults since 2007-08 may be even larger than indicated. This is because this analysis adjusts 2007-08 health care spending for *overall* price inflation rather than for *health care* price inflation. As a result, the adjusted 2007-08 health care spending level does not reflect any increase in prices for health care that may have exceeded overall price inflation between 2007-08 and 2015-16. To the extent that health care price inflation *did* exceed overall price inflation during this period, then inflation-adjusted spending for inmate health care in 2007-08 would be *higher* than the \$2.5 billion assumed in this analysis. Consequently, the reduction in spending for health care for incarcerated adults from 2007-08 to 2015-16 would be *greater* than the 1.9 percent drop assumed in this analysis.
 - 28 As part of a lawsuit regarding medical care for prisoners, a federal court appointed a receiver in 2006 “to take over the direct management and operation of the state’s inmate medical care program from CDCR.” Legislative Analyst’s Office, *Providing Constitutional and Cost-Effective Inmate Medical Care* (April 19, 2012), p. 6.
 - 29 Magnus Lofstrom and Brandon Martin, *Public Safety Realignment: Impacts So Far* (Public Policy Institute of California: September 2015), endnote 10.
 - 30 The Pew Charitable Trusts and the MacArthur Foundation, *Managing Prison Health Care Spending* (October 2013), pp. 27-28. According to this analysis, health care spending per prison inmate in California increased from \$6,426 in 2001 to \$11,793 in 2008. Data were not available for Georgia, Kansas, Kentucky, New Mexico, Vermont, and Wyoming. By another measure, California’s per-prisoner health care spending had increased to roughly \$16,000 by 2011-12, which appears to be the most recent year for which such data are available. See Legislative Analyst’s Office, *California’s Criminal Justice System: A Primer* (January 2013), p. 50.
 - 31 In this analysis, spending for “rehabilitation services” includes two components: (1) CDCR expenditures that are specifically identified as supporting rehabilitation services and (2) certain CDCR “parole” expenditures that also support rehabilitation services (specifically, \$78.3 million in 2007-08 and \$184.3 million in 2015-16). These fund shifts – from the “parole” category to the “rehabilitation services” category – were made in order to ensure that these expenditures reflect an “apples-to-apples” comparison, based on guidance from the Department of Finance.
 - 32 As noted earlier, the remaining corrections expenditures through the 2015-16 state budget (\$2.1 billion) fall into two categories: (1) spending for adults who are under the jurisdiction of counties as a result of the 2011 realignment and (2) spending for other state-level correctional activities, including CDCR statewide administration, youth correctional operations and services, and the BSCC. Notably, state policymakers have *no* discretion over the more than \$1 billion in realignment revenues that counties receive each year to carry out their correctional responsibilities related to youth and adults. In order for these revenues to be shifted away from the counties and used for another state purpose, California voters would have to approve an amendment to the state Constitution allowing such a change.
 - 33 In theory, the state could significantly reduce the cost of the correctional system while maintaining the current number of correctional facilities, employees, and incarcerated adults. However, in order to achieve this, state policymakers would need to significantly reduce *per capita spending* – that is, spending for each adult incarcerated in state prisons – which currently exceeds \$60,000 per year. Furthermore, under this scenario, a substantial reduction in per capita spending likely could not be achieved without cutting salary levels for correctional officers, health care providers, and other employees.
 - 34 As noted earlier, the federal court order requires the state to limit overcrowding to no more than 137.5 percent of prisons’ “design capacity.” This population limit becomes effective on February 28, 2016, although state prisons are already operating slightly below this threshold. The prison system’s current design capacity is equal to 82,707 individuals, and 137.5 percent of this design capacity is equal to 113,722 individuals.
 - 35 The Pew Center on the States, *Time Served: The High Cost, Low Return of Longer Prison Terms* (June 2012), pp. 1-2.
 - 36 The length of prison terms is influenced by a number of factors in addition to sentencing laws. For a discussion of the factors, see The Pew Center on the States, *Time Served: The High Cost, Low Return of Longer Prison Terms* (June 2012), pp. 23-25.
 - 37 James Austin, a nationally known criminal justice expert, argues that reducing prison “lengths of stay” is critical to reducing correctional populations. “The science on how much time prisoners should serve from a public safety perspective is very clear. Increasing or decreasing prisoner [length of stay] has no impact on recidivism or crime rates. But it has an extremely dramatic impact on the size of the prison population.” Austin suggests that if “we truly want to reduce the nation’s prison populations, we will have to ... [reduce] the lengths of imprisonment for all inmates – not just nonviolent offenders.” James Austin, *How Much Time Should Prisoners Serve?* (American Correctional Association: 2013). Furthermore, the Pew Center on the States notes that “criminologists and policy makers

increasingly agree that we have reached a ‘tipping point’ with incarceration, where additional imprisonment will have little if any effect on crime.” The Pew Center on the States, *Time Served: The High Cost, Low Return of Longer Prison Terms* (June 2012), p. 1. For additional perspectives on the importance of reducing prison terms, see Ryan King, et al., *Reducing Mass Incarceration Requires Far-Reaching Reforms* (Urban Institute: August 2015) and Leon Neyfakh, “OK, So Who Gets to Go Free?” *Slate* (March 4, 2015).

- 38 In addition, the state currently houses approximately 3,800 adults in fire camps and about 200 adults in state hospitals for the mentally ill. The correctional population figures cited here are from California Department of Corrections and Rehabilitation, *Weekly Report of Population as of Midnight October 28, 2015* (October 28, 2015).
- 39 See Scott Graves, *What Would Proposition 36 Mean for California?* (California Budget & Policy Center: October 2012) and Selena Teji, *Proposition 47: Should California Reduce Penalties for Drug and Property Crimes and Invest in Treatment?* (California Budget & Policy Center: September 2014).
- 40 On this point, see The Pew Charitable Trusts and the MacArthur Foundation, *Managing Prison Health Care Spending* (October 2013), pp. 8-11, and Legislative Analyst’s Office, *Elderly Inmates in California Prisons* (May 11, 2010). “Elderly” inmates typically are defined as those age 55 or older. People released from prison have a number of health care coverage options. For example, those under age 65 can enroll in Medi-Cal – California’s Medicaid program – so long as their incomes do not exceed 138 percent of the federal poverty line (\$16,243 for an individual in 2015). The federal government currently pays 100 percent of the cost of this coverage. Starting in 2017, California will pay 5 percent of these costs, and the state’s share will gradually increase to a maximum of just 10 percent in 2020 and beyond. In contrast, the state pays the vast majority of the cost of providing health care to incarcerated adults.
- 41 The receiver has been criticized for tolerating “various inefficiencies” in the prison medical care program. See Legislative Analyst’s Office, *Providing Constitutional and Cost-Effective Inmate Medical Care* (April 19, 2012), p. 11. The receiver returned responsibility for medical care at Folsom State Prison to state officials in July 2015 and “promised to restore the same authority for more of the state’s other 33 lockups in coming months.” See Paige St. John, “California Regains Control Over Healthcare at Folsom Prison,” *Los Angeles Times* (July 13, 2015).