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Agenda

February 20, 2020

9:30 a.m. or Upon Adjournment of Session – State Capitol Room 4203

California's Prison System: Past, Present, and Future

- I. Welcoming Remarks and Introductions
- II. Past and Present: Current prison population and overview of key legislation & court cases
 - Caitlin O'Neil, Senior Fiscal and Policy Analyst, Legislative Analyst's Office
 - Vivek Viswanathan, Chief Deputy Director, Budget, Department of Finance
 - Aaron Edwards, Assistant Program Budget Manager, Department of Finance
 - *Available for additional questions:* Drew Soderborg, Deputy Legislative Analyst, Public Safety and Business Regulation, Legislative Analyst's Office
- III. Is the state achieving the required population reductions in order to meet the Governor's and Legislature's goal to reduce the number of facilities?
 - Ralph Diaz, Secretary, California Department of Corrections and Rehabilitation
 - Scott Graves, Ph.D., Director of Research, California Budget and Policy Center
 - *Available for additional questions:* Caitlin O'Neil, Senior Fiscal and Policy Analyst, Legislative Analyst's Office
- IV. Transitional and Post-Release Services: What is needed for successful reentry and how can the state play a role in ensuring success?
 - Keith Wattle, Founder and Executive Director, UnCommon Law
 - Doug Bond, Chief Executive Officer, Amity Foundation
 - Ozell Johnson, Amity Foundation
- V. Public Comment

California's Prison System: Past, Present, and Future

Governor's Budget. The 2020-21 budget for the California Department of Corrections and Rehabilitation (CDCR) proposes an increase of \$74 million, or less than one percent, from the estimated 2019-20 spending level of approximately \$13.4 billion. This increase reflects additional funding to (1) address deferred maintenance backlogs, (2) replace vehicles, and (3) support the ongoing preventative maintenance of CDCR facilities. The following table shows CDCR's total operational expenditures and positions for 2018-19 through 2020-21.

CDCR – Total Operational Expenditures and Positions
(Dollars in thousands)

Funding	2018-19	2019-20	2020-21
General Fund	\$12,260,035	\$12,991,819	\$13,088,380
General Fund, Prop 98	18,306	21,893	--
CA State Lottery Education Fund CA Youth Authority	63	104	--
Federal Trust Fund	1,110	1,999	1,647
Inmate Welfare Fund	73,961	86,418	92,073
Special Deposit Fund	2,322	1,825	1,956
Reimbursements	241,912	215,378	210,954
Mental Health Services Fund	637	1,616	1,202
State Community Corrections Performance Incentive Fund	-1,000	-1,000	-1,000
Total	\$12,597,346	\$13,320,052	\$13,394,852
Positions	57,589.8	57,726.6	56,998.9

Source: Department of Finance

The steady decline in adult prison population, covered below in the background section, has opened the opportunity to reduce the state's reliance on contract prison capacity. As a result of the projected decline in population, the budget projects ending all private in-state contract correctional facilities for male inmates by April 2020 (Desert View Modified Community Correctional Facility in February 2020 and Golden State Modified Community Correctional Facility in April 2020), phasing out two of the remaining three male, public in-state contract corrections facilities by 2021 (Taft Modified Community Correctional Facility in October 2020 and Shafter Modified

Community Correctional Facility in April 2021), and phasing out the third facility (Delano Modified Community Correctional Facility) no later than July 2022. In the budget year, this accounts for a decrease of \$56 million General Fund in 2020-21. Additionally, given the projected decline in inmate population by 4,300 between June 2021 and June 2024, the Administration intends to close a state-operated prison in the next five years.

PAST AND PRESENT: OVERVIEW OF KEY LEGISLATION, COURT CASES AND CURRENT PRISON POPULATION

The United States continues to incarcerate in greater numbers than other countries. Currently, approximately 2.3 million people are incarcerated in prisons and jails—an astonishing increase from 500,000 in 1980.¹ This population accounts for 21 percent of the world’s share of jail and prison populations—despite the United States containing five percent of the world’s population. Compared to other nations, the United States heavily relies on jails and prisons as a criminal justice solution.

A 2014 report from the National Research Council that investigated the composition of the U.S.’s prison population and attributed the staggeringly high prison population to the disproportionate incarceration of people of color. Though African-Americans and Hispanics make up approximately 32 percent of the U.S. population, both groups comprised 56 percent of all incarcerated people in 2015, with African-Americans constituting 34 percent of the correctional population.²

These statistics are equally staggering in California. In 2017, roughly 28.5 percent of the state’s male prisoners were African American compared to just 5.6 percent of the state’s adult male residents.³ The imprisonment rate for African American men is 4,236 per 100,000 people compared to 422 per 100,000 people for white men.⁴ Moreover according to the California Correctional Health Care Services, and substantiated by statistics, inmate patients are getting older and sicker, driving the need for additional and higher levels of care. According to the Public Policy Institute of California, between 2000 and 2017, the share of prisoners age 50 or older increased from four to 23 percent while the share of incarcerated people younger than 25 decreased from 20 to 10 percent. The average ages for incarcerated males and females is 40 and 38 years old respectively.⁵

Over the last decade, however, largely driven by federal court orders, California adopted criminal justice policies to reduce its state population. The result of such policies is a successful reversal from the upward trend in population increases that mirrored the explosive national growth. Moreover, court orders drove decisions to house incarcerated people at public and privately contracted prisons in addition to state run- and operated prisons. Given the Administration’s 2020 announcement that a state-operated prison is being targeted for closure by 2024, and that the

¹ NAACP. "Racial Disparities in Incarceration." <https://www.naacp.org/criminal-justice-fact-sheet/>

² Ibid.

³ Heather Harris, Justin Goss, Joseph Hayes, and Alexandria Gumbs. "California’s Prison Population." <https://www.ppic.org/wp-content/uploads/jtf-prison-population-jtf.pdf>. July 2019.

⁴ Ibid.

⁵ Ibid.

reliance on contract prisons is ending, this report examines the history of the CDCR, documents key policies over the last decade, and considerations to maintain a decline in population and keep the plan for closure on track.

Adult Population Characteristics as of January 8, 2020. The CDCR is responsible for overseeing 183,493 people. There are 123,780 people who are in-state custody and 51,966 who are on parole or not currently under CDCR’s jurisdiction while they are confined in another state or out to court. The institution population on February 21, 2019 was 117,317, which amounts to 134.5 percent of prison capacity. The most overcrowded male prison and overcrowded overall is California State Prison Solano, which is currently at 166.5 percent of its capacity. The most overcrowded female prison is Central California Women’s Facility in Chowchilla, which is currently at 138.5 percent of its capacity. Moreover, California houses 5,018 inmates within various in-state contract beds, both private and public.

Average Adult In-State Population Estimates. The adult inmate average daily population is projected to decrease by one percent from 125,871 in spring 2019 to 124,655 in 2020-21. The overall current projections, however, show that the adult inmate population is trending downward and is expected to decrease by 939 between 2019-20 and 2020-21. Moreover, the Administration projects a decline in inmate population by 4,300 between June 2021 and June 2024. Figure 1 below presents the actual institution population between 2010 and 2019 (blue) as well as the projected population between 2020 and 2024 (red).

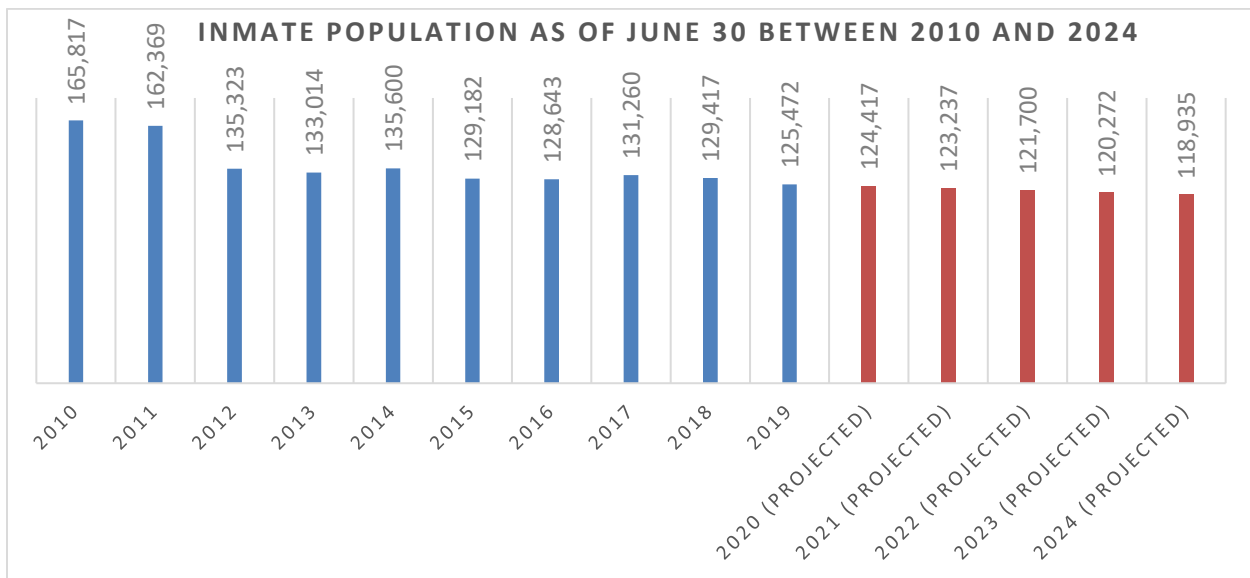


Figure 1: Institution population for a time period as reported in June 30, 2010 and as projected for June 30, 2024.

Parolee Population. The average daily parolee population is projected to increase by less than one percent from 50,442 in 2019-20 to 50,453 in 2020-21.

Mental Health Program Caseload. The population of inmates requiring outpatient mental health treatment was estimated to be 34,735 in 2019-20 and is projected to decrease to 34,515 in 2020-21.

History of CDCR. Effective July 1, 2005, the CDCR was created pursuant to the Governor's Reorganization Plan No. 1 of 2005 and SB 737 (Romero), Chapter 10, Statutes of 2005. All departments that previously reported to the Youth and Adult Correctional Agency were consolidated into CDCR and include the California Department of Corrections, Youth Authority (which is now the Division of Juvenile Justice (DJJ)), Board of Corrections (now the Board of State and Community Corrections (BSCC)), Board of Prison Terms, and the Commission on Correctional Peace Officers' Standards and Training (POST).

The mission of CDCR is to enhance public safety through safe and secure incarceration of offenders, effective parole supervision, and rehabilitative strategies to successfully reintegrate offenders into our communities.

CDCR is organized into the following programs:

- Corrections and Rehabilitation Administration
- Peace Officer Selection and Employee Development
- Juvenile: Operations and Offender Programs; Academic and Vocational Education; Health Care Services⁶
- Adult Corrections and Rehabilitation Operations: Security; Inmate Support; Contracted Facilities; Institution Administration
- Parole Operations: Adult Supervision; Adult Community Based Programs; Administration; Sex Offender Management Board and State Authorized Risk Assessment Tool for Sex Offenders Review Committee
- Board of Parole Hearings: Adult Hearings; Administration
- Adult Rehabilitative Programs: Education; Cognitive Behavioral Therapy and Reentry Services; Inmate Activities; Administration
- Adult Health Care Services: Medical, Dental, and Mental Health Services; Psychiatric Programs; Ancillary Health Care Services; Medical, Dental, and Mental Health Services Administration

Key Policy. In 2009, a federal three-judge panel declared that overcrowding in the state's prison system was the primary reason that CDCR was unable to provide inmates with constitutionally

⁶ Effective July 1, 2020 the Division of Juvenile Justice will be shifted away from the CDCR and towards the Health and Human Services Agency. More information is contained later in this report.

adequate health care. The court ruled that in order for CDCR to provide such care, overcrowding would have to be reduced. Specifically, the court ruled that by June 2013, the state must reduce the inmate population to no more than 137.5 percent of the design capacity in the 34 prisons operated by CDCR at the time. Design capacity generally refers to the number of beds CDCR would operate if it housed only one inmate per cell and did not use temporary beds, such as housing inmates in gyms. Inmates housed in contract facilities, fire camps, or community reentry facilities are not counted toward the overcrowding limit. In May 2011, the U.S. Supreme Court upheld the three-judge panel's ruling. Under the population cap imposed by the federal court, the state was required to reduce the number of inmates housed in its 34 state prisons by about 34,000 inmates relative to the prison population at the time of the ruling.

As a result of the court ruling and the requirement that the state maintains a prison population that remains under a 137.5 percent capacity cap, significant policy changes designed to reduce the number of people in prison have been implemented over the last eight years. The following are among the most significant changes:

Public Safety Realignment. In 2011, the Legislature approved a broad realignment of public safety, health, and human services programs from state to local responsibility. Included in this realignment were sentencing law changes requiring that certain lower-level felons be managed by counties in jails and under community supervision rather than sent to state prison. Generally, only felony offenders who have a current or prior offense for a violent, serious, or sex offense are sentenced to serve time in a state prison. Conversely, under realignment, lower-level felons convicted of non-violent, non-serious, and non-sex-related crimes (colloquially referred to as “non-non-nons”) serve time in local jails. In addition, of those felons released from state prison, generally only those with a current violent or serious offense are supervised in the community by state parole agents, with other offenders supervised by county probation departments. Responsibility for housing state parole violators was also shifted from state prisons to county jails.

In adopting this realignment the Legislature had multiple goals, including reducing the prison population to meet the federal court-ordered cap, reducing state correctional costs, and reserving state prison for the most violent and serious offenders. Another goal of realignment was to improve public safety outcomes by keeping lower-level offenders in local communities where treatment services exist and where local criminal justice agencies can coordinate efforts to ensure that offenders get the appropriate combination of incarceration, community supervision, and treatment. For many, realignment was based on confidence that coordinated local efforts are better suited for assembling resources and implementing effective strategies for managing these offenders and reducing recidivism. This was rooted partly in California's successful realignment reform of its juvenile justice over the last 20 years and the success of SB 678 (Leno), Chapter 608, Statutes of 2009, which incentivized evidence-based practices for felony probationers through a formula that split state prison savings resulting from improved outcomes among this offender population.

SB 105 (Steinberg and Huff), Chapter 310, Statutes of 2013. In September 2013, the Legislature passed, and the Governor signed, SB 105 to address the federal three-judge panel order that required the state to reduce the prison population to no more than 137.5 percent of design capacity by December 31, 2013. SB 105 provided the CDCR with an additional \$315 million in General Fund support in 2013-14 and authorized the department to enter into contracts to secure a sufficient

amount of inmate housing to meet the court order and to avoid the early release of inmates, which might otherwise be necessary to comply with the order. The contracts were intended to be short-term in nature and were entered into in lieu of building additional prisons throughout the state.

Passage of Proposition 36. The passage of Proposition 36 in 2012 resulted in reduced prison sentences served under the Three Strikes law for certain third strikers whose current offenses were non-serious, non-violent felonies. The measure also allowed resentencing of certain third strikers who were serving life sentences for specified non-serious, non-violent felonies. The measure, however, provides for some exceptions to these shorter sentences. Specifically, the measure required that if the offender has committed certain new or prior offenses, including some drug-, sex-, and gun-related felonies, he or she would still be subject to a life sentence under the three strikes law.⁷

February 2014 Court Order. On February 10, 2014, the federal court ordered the state to implement several population reduction measures to comply with the court-ordered population cap and appointed a compliance officer with the authority to order the immediate release of inmates should the state fail to maintain the final benchmark. The court reaffirmed that CDCR would remain under the jurisdiction of the court for as long as necessary to continue compliance with the final benchmark of 137.5 percent of design capacity and establish a durable solution.

The February 10, 2014, order required the CDCR to:

- Increase prospective credit earnings for non-violent second-strike inmates as well as minimum custody inmates.
- Allow non-violent second-strike inmates who have reached 50 percent of their total sentence to be referred to the Board of Parole Hearings for parole consideration.
- Release inmates who have been granted parole by the Board of Parole Hearings but have future parole dates.
- Expand CDCR's medical parole program.
- Allow inmates age 60 and over who have served at least 25 years of incarceration to be considered for parole (the "elderly parole" program).
- Increase its use of reentry services and alternative custody programs.

Passage of Proposition 47. In November 2014, the voters approved Proposition 47, the Reduced Penalties for Some Crimes Initiative, which requires misdemeanor rather than felony sentencing for certain property and drug crimes and permits inmates previously sentenced for these reclassified crimes to petition for resentencing. Table 1 below shows the modified penalties per Proposition 47.

⁷ Legislative Analyst's Office, "Proposition 36: Three Strikes Law. Sentencing for Repeat Felony Offenders. Initiative Statute." July 18, 2012.

Proposition 47 requires that state savings resulting from the proposition be transferred into a new fund, the Safe Neighborhoods and Schools Fund. The new fund will be used to reduce truancy and support drop-out prevention programs in K-12 schools (25 percent of fund revenue), increase funding for trauma recovery centers (10 percent of fund revenue), and support mental health and substance use disorder treatment services and diversion programs for people in the criminal justice system (65 percent of fund revenue). The Director of Finance is required on or before July 31 of each fiscal year to calculate the state savings for the previous fiscal year compared to 2013-14.⁸

Table 1: Reduction in Existing Penalties Under Proposition 47

Crime	Description
Drug Possession	Prior to the passage of Proposition 47, possession for personal use of most illegal drugs (such as cocaine or heroin) was a misdemeanor, a wobbler, ⁹ or a felony—depending on the amount and type of drug. Under current law, such crimes are now misdemeanors. The measure would not change the penalty for possession of marijuana, which was already either an infraction or a misdemeanor.
Grand Theft	Prior to the passage of Proposition 47, theft of property worth \$950 or less was often charged as petty theft, which is a misdemeanor or an infraction. However, such crimes could sometimes be charged as grand theft, which is generally a wobbler. For example, a wobbler charge can occur if the crime involves the theft of certain property (such as cars) or if the offender has previously committed certain theft-related crimes. Proposition 47 limited when theft of property of \$950 or less could be charged as grand theft. Specifically, such crimes can no longer be charged as grand theft solely because of the type of property involved or because the defendant had previously committed certain theft-related crimes.
Shoplifting	Prior to the passage of Proposition 47, shoplifting property worth \$950 or less (a type of petty theft) was often a misdemeanor. However, such crimes could also be charged as burglary, which is a wobbler. Under the new law, shoplifting property worth \$950 or less will always be a misdemeanor and cannot be charged as burglary.
Receiving Stolen Property	Prior to the passage of Proposition 47, individuals found with stolen property could be charged with receiving stolen property, which was a wobbler crime. Under current law, receiving stolen property worth \$950 or less would always be a misdemeanor.
Writing Bad Checks	Prior to the passage of Proposition 47, writing a bad check was generally a misdemeanor. However, if the check was worth more than \$450, or if the offender had previously committed a crime related to forgery, it was a wobbler crime. Under the new law, it is a misdemeanor to write a bad check unless the check is worth more than \$950 or the offender had previously committed three forgery-related crimes, in which case they would remain wobbler crimes.
Check Forgery	Prior to the passage of Proposition 47, it was a wobbler crime to forge a check of any amount. Under the new law, forging a check worth \$950 or less is always a misdemeanor, except that it remains a wobbler crime if the offender commits identity theft in connection with forging a check.

Source: Legislative Analyst's Office, "Proposition 47 – Criminal Sentences. Misdemeanor Penalties. Initiative Statute." November 4, 2014.

⁸ 2015-16 Governor's Budget Summary

⁹ "A wobbler" refers to a crime that can either be charged as a misdemeanor or a felony.

Passage of Proposition 57. Approved by voters in November 2016, Proposition 57, the California Parole for Non-Violent Criminal and Juvenile Court Trial Requirements Initiative, brought three major changes to sentencing:

- Allowed individuals convicted of nonviolent felonies to be considered for parole after completing the sentence for their primary offense.
- Allowed CDCR to award additional sentence reduction credits for rehabilitation, good behavior or educational achievements.
- Required a judge's approval before most juvenile defendants can be tried in an adult court.

In November 2017 the Administration filed final regulations with the Office of Administrative Law on credit earning. CDCR proposed new changes to its credit regulations in December of 2018, to further increase credits inmates earn for participating in rehabilitative and educational activities starting in May 2019. The changes include:

- Allowing youth parole hearing dates to be advanced by credits.
- Allowing credit awards or restorations to advance a release date to up to 15 days from the date of award or restoration. This is a decrease of the current policy which is 60 days. Individuals convicted of certain offenses face longer time periods.
- Increasing the rate at which Rehabilitative Achievement Credits (RAC) can be earned and the maximum that can be earned in one year.
- Allowing inmates who earn more than the maximum of 40 calendar days in RAC credits per year to roll the excess over to the next year.
- Increasing credits earned for completion of high school diploma or high school equivalency from 90 to 180 days.

AB 1812 (Committee on Budget), Chapter 36, Statutes of 2018. State law, specifically AB 1812 requires the CDCR to begin reducing the population of private in-state male contract correctional facilities. As the population in private in-state male contract correctional facilities is reduced, AB 1812 would require CDCR, to the extent that the adult offender population continues to decline, to reduce the capacity of state-owned and operated prisons or in-state leased or contract correctional facilities, as specified. These specifications include reducing capacity in manner that maximizes long-term state facility savings, leverages long-term investments, and maintains sufficient flexibility to comply with the federal court order to maintain the prison population at or below 137.5 percent of design capacity. The CDCR shall take into consideration the following factors, including, but not limited to:

- The cost to operate at the capacity.

- Workforce impacts.
- Subpopulation and gender-specific housing needs.
- Long-term investment in state-owned and operated correctional facilities, including previous investments.
- Public safety and rehabilitation.
- The durability of the state's solution to prison overcrowding.

Status of DJJ and Imminent Shift to Health and Human Services. Under current law, only youth adjudicated for a serious, violent, or sex offense can be sent to state facilities by juvenile courts. As a result, over 98 percent of juvenile offenders are housed or supervised by counties. As of 2016, there were approximately 39,000 youth involved in the county probation system, with 29,000 being wards under Welfare and Institutions Code Section 602 for felony and misdemeanor crimes. For a very small portion of the juvenile justice population, county probation departments determine that the crimes committed or the needs of the juvenile are so great that they cannot provide adequate care and treatment in their facilities. Those youth are then sent to DJJ facilities. The average daily population in fiscal years 2019-20 and 2020-21, including Department of State Hospitals, is 773 and 862 wards respectively.

A small number of wards (under two percent annually), generally constituting the state's most serious and chronic juvenile offenders, are committed to DJJ and become a state responsibility. DJJ, originally known as the California Youth Authority (CYA), was created by statute in 1941 and began operating in 1943 with the objectives of providing training and parole supervision for juvenile and young adult offenders. In a reorganization of the California corrections agencies in 2005, the CYA became the DJJ within the Department of Corrections and Rehabilitation. The Juvenile Parole Board, an administrative body separate from DJJ, determines a youth's parole readiness.

Youths committed directly to the DJJ do not receive determinate sentences. A youth's length of stay is determined by the severity of the committing offense and their progress toward parole readiness. However, DJJ is authorized to house youths until age 21 or 25, depending upon their commitment offense. DJJ also provides housing for youths under the age of 18 who have been sentenced to state prison. Youths sentenced to state prison may remain at DJJ until age 18, or if the youth can complete his or her sentence prior to age 25, the DJJ may house him or her until released to parole.

DJJ currently houses youth at three juvenile facilities and one conservation camp: O. H. Close Youth Correctional Facility (O.H. Close), N. A. Chaderjian Youth Correctional Facility (N.A. Chad), Ventura Youth Correctional Facility (Ventura), and Pine Grove Youth Conservation Camp (Pine Grove).

The Budget Act of 2019 included trailer bill language that renames DJJ to the Department of Youth and Community Restoration (DYCR) and shifts this department to the California Health and Human Services Agency on July 1, 2020. Moreover, the Budget Act of 2019 included the convening, no later than October 1, 2019, of a committee of the Child Welfare Council to provide input and recommendations related to the DYCR's policies and programs that promote a commitment to improving youth outcomes, reducing youth detention, and reducing recidivism. DYCR, in the Governor's budget is proposed to expand to 1,415.9 positions and \$289.7 million (\$260.8 million General Fund) in 2020-21 and \$295.6 million (\$266.8 million General Fund) in 2021-22 and ongoing.

Privatization of Prisons on a National Scale. The privatization of prisons is inextricably intertwined with American history, having roots that date back to America's early days. The reemergence of prison privatization began in the 1970's and 1980's, centuries after local governments reimbursed private jailers to hold people who were facing trial. The combination of the war on drugs and harsher sentencing policies, including mandatory minimum sentences, created rapid growth in the nation's prison population during that time. Private companies, in response to the pressures that rising populations placed on public institutions, stepped in during the 1970s to operate halfway houses. In the the 1980s, private companies contracted with the Immigration and Naturalization Service (INS) to detain undocumented immigrants. These forms of privatization were followed by the appearance of for-profit, private prisons.¹⁰

There are two private, for-profit companies that provide incarcerated people with private housing and rehabilitation services. These companies are Core Civic, established in 1983, and The GEO Group, Inc. (GEO Group), established in 1984. Today, Core Civic and GEO Group collectively manage the majority of the contracts in the United States, which resulted in combined revenues of approximately \$4.1 billion in 2018.¹¹ Core Civic, as the largest private prison company, manages 65 state and federal correctional facilities with a capacity of roughly 90,000 beds. GEO Group operates 69 state and federal correctional facilities with a capacity of 75,000 beds.¹² Smaller companies, including Management & Training Corporation, LCS Correctional Services, and Emerald Corrections also hold multiple prison contracts throughout the United States.¹³

According to the federal Bureau of Justice Statistics, since 1999, the size of the private prison population grew 90 percent, from 69,000 inmates in 1999 to 131,000 in 2014. As of 2014, over eight percent of U.S. prisoners were held in privately-owned prisons and seven states housed at least 20 percent of their inmate populations in private prisons. A total of 131,300 inmates were housed in private facilities between those states and the federal bureau of prisons. The use of private prisons was at its peak in 2012, when 137,000 inmates (almost nine percent of the total prison population) were housed in private facilities.¹⁴

¹⁰ Cody Mason. *Too Good to be True: Private Prisons in America*. The Sentencing Project, January 2012.

¹¹ Core Civic and GEO Group's 2018 Annual Reports.

¹² Ashler Stockler. "Private Prison Company Geo Group Says Activists Pose Risk To Bottom Line," *Newsweek*, May 8, 2019.

¹³ Cody Mason. *Too Good to be True: Private Prisons in America*. The Sentencing Project, January 2012.

¹⁴ Prisoners in 2014. Bureau of Justice Statistics, Office of Justice Programs, United State Department of Justice. www.bjs.gov.

Ineffectiveness of private prisons at national level. In August of 2016, the United States Attorney General's Office of the Inspector General released a report comparing the federal Bureau of Prison-operated institutions to the private prisons under contract with the federal government. The agency found that private prisons were more dangerous and less hygienic than government facilities, citing higher instances of assault, inappropriate use of solitary confinement and inadequate medical treatment. In addition, the report found that the Bureau of Prisons needed to improve how they monitor the contracts.¹⁵ As a result, the Attorney General's Office asked the federal government to phase-out their use of private prisons. In a memo to the Director of the Federal Bureau of Prisons calling for the phasing out of private prison contracts, Deputy Attorney General, Sally Q. Yates noted of private prisons:

They simply do not provide the same level of correctional services, programs, and resources; they do not save substantially on costs; and as noted in a recent report by the Department's Office of Inspector General, they do not maintain the same level of safety and security. The rehabilitative services that the Bureau provides, such as educational programs and job training, have proved difficult to replicate and outsource- and these services are essential to reducing recidivism and improving public safety.¹⁶

Private and Public Contract Facilities Associated with California. California used private contract facilities to reduce overcrowding in its prisons throughout the last decade. These included in-state contract facilities, called Modified Community Correctional Facilities, run by other agencies or private companies and out-of-state prisons run by private companies. The CDCR also placed or places people in a facility called California City Correctional Facility which is privately owned. The state leases and staffs this facility. In 2014, the state housed approximately 9,000 inmates in out-of-state, private prisons.

Monitoring of California's contract facilities. As noted, California does not seem to have encountered the same problems with private facilities as other states and the federal government. One reason for that may be the policies put in place to closely monitor and oversee the running of the private facilities. For example, all inmates housed in private facilities must be supervised in the same manner and under the same rules as the state-run prisons. These rules include an appeals process that all complaints filed by inmates be handled in the same manner as in the state-run prisons. In addition, CDCR has an appeals coordinator and two analysts who monitor the appeals process for all of the contracted facilities. These appeals are also tracked using the state's Inmate Appeals Tracking Systems.

In addition to CDCR's monitoring of contract facilities, the state's Inspector General has the same oversight and authority over private facilities as he does over the state-run prisons. For example, the Office of the Inspector General (OIG) monitors all use-of-force complaints, Prison Rape Elimination Act (PREA) complaints, and surveys rehabilitation programming. In addition, notices are required to be posted throughout the prison providing the information necessary for inmates to

¹⁵ *Review of the Federal Bureau of Prisons' Monitoring of Contract Prisons.* Office of Inspector General, United States Department of Justice. August 2016.

¹⁶ Memorandum to the Acting Director, Federal Bureau of Prisons, from Sally Q. Yates, Deputy Attorney General. August 18, 2016.

contact the OIG directly with complaints and concerns. The OIG, however, does not monitor healthcare in the contract facilities.

Under the state's current healthcare structure, California Correctional Healthcare Services, under the leadership of the federally appointed receiver, monitors medical care at all contract facilities. The receiver's office notes that they audit all of the facilities at least once a year and then post those audits online for the public to access. According to the introduction for the audit reports, the standardized audit tool is designed to evaluate the effectiveness, efficiency and compliance of the health care processes implemented at each contracted facility. The audit instrument is intended to measure the facility's compliance with various elements of inmate-patient access to health care and to assess the quality of health care services provided to the inmate-patient population housed in these facilities. The audits include both a review of relevant paperwork and interviews with staff and inmates in the facilities.¹⁷

No out-of-state contracts exist as of June 2019. In June 2019, inmates housed at the La Palma Correctional Center in Arizona were returned to California and the contract with operator Core Civic was terminated. This transition marked the end of the state's reliance on out-of-state facilities to house incarcerated persons, which table 2 below documents. Previously, CDCR contracted to house some inmates in seven out-of-state facilities. In October 2006, at the height of prison overcrowding, California's inmate population was 173,479 inmates and some prisons operated at more than 200 percent design capacity. In response to this crisis, CDCR temporarily housed inmates out of state to help ease overcrowding while long-term solutions were being implemented. The number of inmates housed out-of-state peaked in 2010 with more than 10,400 inmates.

Table 2: Former contract facilities and close dates

Facility	Location	Contract Termination Date
West Tennessee Detention Facility	Tennessee	March 2009
North Lake Correctional Facility	Michigan	October 2011
Red Rock Correctional Center	Arizona	October 2013
North Fork Correctional Facility	Oklahoma	November 2015
Florence Correctional Facility	Arizona	February 2016
Tallahatchie County Correctional Facility	Mississippi	July 2018
La Palma Correctional Facility	Arizona	June 2019

In-state contract prison population in 2020. As of January 8, 2020, three private community correctional facilities hold 1,093 incarcerated persons. Public community correctional facilities, that the cities of Delano, Shafter, and Taft operate, hold 1,516 incarcerated persons. The California City Correctional Facility, which is privately owned and CDCR operated, holds 2,162 incarcerated persons. As of September 26, 2019, the CDCR no longer houses inmates at the 700-bed Central Valley Modified Community Correctional Facility in McFarland, a facility run by GEO Group.

What's next? The significant and continuing decline in population offers an opportunity for California to comprehensively assess its prison system and invest in the best treatments and interventions for its current population. The decline also enables the state to explore interventions

¹⁷ <http://www.cphes.ca.gov/ContractPrisonFacilities.aspx>

in order to reduce the number of people, youth and older, from recidivating. In addition, the declining population opens the door to close a state run and operated prison. But there must be several considerations to incorporate into plans to close a state-operated prison.

ISSUES TO CONSIDER

Learning from the Past. In 2012, Gov. Jerry Brown called for the California Rehabilitation Center (CRC) in Norco prison to be shut by 2016. The 2012 Budget Act included an additional \$810 million of lease-revenue bond financing authority for the design and construction of three new level II dormitory housing facilities at existing prisons. Two of these new dormitory housing facilities are located adjacent to Mule Creek State Prison in Ione, and the third is located adjacent to Richard J. Donovan Correctional Facility in San Diego. All three infill projects have been completed and activated. At the time the Legislature approved the infill projects, the understanding was that the cost of operating the facilities would be offset by the closure of the CRC. CRC is one of the state's most dilapidated prisons and it is in need of several hundred million dollars in repairs. Therefore, the new infill projects would replace the prison beds at CRC. That closure would have saved the state approximately \$160 million General Fund per year.

However, that plan did not materialize as the Administration argued that CRC needed to be kept open in the short-term in order to insure that the state would stay safely below the federal population cap of 137.5 percent of the state's prison capacity.

Estimations of Projected Population Could Be Impacted by Future Legislation. In their October 2019 brief, the LAO projected a decline of 6,800 inmates between October 2019 and June 2023.¹⁸ These estimates, much like the Department of Finance's, are primarily due to increased parole consideration from Proposition 57. The LAO's estimates also account for estimated effects of sentencing changes, such as SB 136 (Wiener), Chapter 590, Statutes of 2019. SB 136 imposes a one-year sentence enhancement on a defendant sentenced on a new felony only if the defendant has a prior conviction for a sexually violent offense but eliminates the one-year enhancement in other instances. Several methods of achieving population reduction at a more rapid rate include, but are not limited to, a modification of the inmate classification system that could lead to increased minimum security and Level I placements, reductions in the number of incarcerated people who experience mental illness, higher usage of transitional facilities, and granting parole to more people including incarcerated people eligible for elderly and medical parole.

There Must Be A Balance, Not Trade-Off, Between Providing Successful Rehabilitation and Establishing A Durable Plan For Prison Closure. Effective rehabilitation programs are a critical component to assisting individuals in their preparation for parole and reentrance into the community. The most effective rehabilitation programs are typically those that provide the incarcerated with a safe space, support and guidance to address and process their unresolved traumatic experiences. By doing so, advocates argue, the participants are able to rehabilitate in a way that leads to improved emotional intelligence and communication skills. For example, some programs lead to better management of anger and stress. A byproduct of this is the reduction in

¹⁸ Legislative Analyst's Office, "Planning for a Declining Inmate Population," <https://lao.ca.gov/handouts/crimjust/2019/Declining-Population-101619.pdf>, October 2019.

recidivism and other measurements for effectiveness. The Insight Garden Program (IGP) conducted an informal recidivism study of 108 IGP graduates (over an eight year period), who paroled from San Quentin. They found that only seven graduates returned within three years. Insight-Out Guiding Rage into Power GRIP reports that in six years, 109 graduates were released and zero have come back to prison. Overall, when rehabilitative programs are well-designed and implemented effectively, various studies show that they can reduce the number of people who recidivate¹⁹, deliver contentment from victims with the justice system,²⁰ and that the resulting savings can more than offset their costs.

But the rehabilitative mission can be undermined by improper implementation. In 2018, the Joint Legislative Audit Committee requested an audit of CDCR's rehabilitative programs which was subsequently completed in January of 2019. Findings from the audit include the following:

- CDCR's implementation of certain rehabilitation programs has not resulted in demonstrable reductions in recidivism. Amongst these observations was a lack of oversight that led to vendors using Cognitive Behavioral Therapy (CBT) curricula that were not evaluated for recidivism reduction. As a result, there has been no significant link between recidivism rates and the administered CBT classes. Therefore, the state is investing funding into programs that are less effective treatment options for inmates and do not result in many positive outcomes.
- CDCR is failing to place inmates into appropriate rehabilitation programs, leading to inmates being released from prison without having any of their rehabilitation needs met. CDCR failed to meet the rehabilitative needs of 62 percent of inmates released in 2017-18 who were assessed as at-risk of recidivating.
- Additional oversight is needed to ensure the effectiveness of the rehabilitation programs. CDCR has neither developed any performance measures for its rehabilitation programs, such as a target reduction in recidivism, nor has it assessed program cost-effectiveness.

According to the same report, the CDCR also has not assigned inmates to appropriate rehabilitation programs, has mismanaged their waiting lists, and has not had adequate staffing for rehabilitation programs. An analysis of waiting lists shows that the number of inmates and the average time spent on the lists are high for substance use disorder (SUD) rehabilitation programs. Amongst inmates who the CDCR labels as having a "severe to moderate" risk of recidivating, and have a moderate to severe need for programming, 12,796 inmates are on a waiting list that is, on average, 211 days. Additionally, there are 18,172 lower risk inmates on a waiting list for an average of 289 days. Moreover, priority was not given to inmates who have moderate to high risks of recidivating and who are within five years of release. At San Quentin, for example, three lower risk inmates obtained placement into CBT programming over 31 higher priority inmates. In some instances,

¹⁹ Daly, K., Bouhours, B., Broadhurst, R., & Loh, N. (2013). Youth sex offending, recidivism and restorative justice: Comparing court and conference cases. *Australian & New Zealand Journal of Criminology*, 46(2), 241–267. <https://doi.org/10.1177/0004865812470383>.

²⁰ Jeff Latimer, Craig Dowden, Danielle Muike, "The Effectiveness Of Restorative Justice Practices: A Meta-Analysis" *The Prison Journal*, Vol. 85 No. 2, June 2005 127-144 DOI: 10.1177/0032885505276969.

inmates were not able to complete programming before their scheduled release dates. Finally, although staffing levels may be adequate to a minimum level, the inability to fully staff has resulted in the maximum number of eligible participants not being enrolled.

If these implementation shortfalls are addressed and rehabilitation programs are successful at better placement and in addressing trauma, they can reduce recidivism post-release. Such changes can also result in both direct and indirect fiscal benefits to the state. Direct fiscal benefits include reduced incarceration costs as well as reduced crime victim assistance costs. Indirect benefits could include reduced costs for public assistance, as some offenders may receive job training that leads to employment, thereby reducing the level of public assistance needed.

Therefore, the state must not overlook the importance of rehabilitative services during its pursuit of closing a prison. If rehabilitation programs are operated effectively, these benefits can exceed the costs of providing the programs and result in net fiscal benefits to the state, including lower prison population. These services aid in the rehabilitation process and, eventually, provide a warm landing upon reentry—helping to provide a semblance of stability upon reentry. Addressing flaws and bolstering current programming, such as higher education opportunities currently offered by community based organizations and California’s Community Colleges, will lead to the impacted populations being able to develop skills associated with managing substance use disorder treatment, education, housing, family reunification, vocational training and employment services. Comprehensive, supportive rehabilitative services during a prison sentence and post-release will assist the state in accomplishing a prison closure.

The Legislature Should Consider Eliminating The Privatization of Parole, Rehabilitation, and Reentry Services. For-profit companies also provide rehabilitative treatment in state-owned facilities and run community reentry facilities. For example, the state currently contracts with GEO Group and CoreCivic to provide residential and non-residential reentry services, parole services, substance use disorder treatment, and cognitive behavioral therapy. As well, contracted local jails and detention centers are situated in California. Uses of for-profit entities to provide critical programming and treatment for inmates has created a significant amount of concern. The Drug Policy Alliance and other advocates and non-profit service providers throughout the state have strongly objected to the use of for-profit companies to provide these services. Therefore, the question before the Legislature is whether or not a company whose primary responsibility is making a profit for its shareholders and investors is capable of providing quality, effective programming and treatment or does that mission run contrary to their bottom line need to cut costs in order to return a profit.

What Are Some Important Selection Factors? Though the answer to this question is unclear, the Budget Act of 2018 suggested, but did not limit, factors that the Administration and the Legislature should consider in its decision to close a state-operated facility. Some of these factors are documented below.

- **General Fund savings.** The state would achieve long-term savings through the closure of one of the state’s prisons. Not only will the state save a minimum of around \$100 million General Fund per year through a prison closure, but the state can also save over time as the number of contract beds are reduced. Unlike the budget for the state prisons, where the

number of security staff is based upon the design of the facility rather than the number of inmates, the state pays for contract beds on a per-inmate basis.

- ***Long-term investments in, costs to maintain for, and physical durability of a prison.*** Facilities require routine maintenance, repairs, and replacement of parts to keep them in acceptable condition and to preserve and extend their useful lives. When such maintenance is delayed or does not occur, we refer to this as deferred maintenance (DM). The CDCR stated in 2019-20 budget deliberations that its existing \$28 million special repairs (SR) or deferred maintenance funding baseline is inadequate and that new funds must address both urgent new needs and backlogged critical projects. But at their existing funding levels, CDCR is unable to do either effectively—causing a growth in their backlog that exceeds \$1 billion. Damaged roofs and molding are two critical problems.

Overall, roughly \$260 million General Fund has been allocated to repair leaking roofs at more than two dozen of the state's 35 prisons over the last four years. The 2017 Budget Act provided \$35 million General Fund for roof replacements at the California Correctional Institution, Pleasant Valley State Prison, and Salinas Valley State Prison. Providing this additional funding specifically for roofs allows the department to use special repair funding for other critical infrastructure needs, such as water conservation projects (e.g., leaking hydronic loops resulting in significant water loss) and regulatory compliance (e.g., damaged pond liners resulting in costly mitigation efforts). \$60.7 million General Fund in 2018-19 was allocated for roof repairs at three state facilities and \$20 million General Fund was allocated to repair interior water damage caused from roof leaks at various facilities. In addition, the Budget Act of 2019 included \$58.2 million for roof replacements at two additional prisons. The Budget Act of 2019 also provided \$2 million General Fund for the design phase of roof replacements at High Desert State Prison and California State Prison, Solano and \$69.7 million General Fund in 2020-21 for the construction phase. An enormous source of future renovation and infrastructure costs associated with SR/DM is the 12 original prisons that have not had sufficient updates since its date of construction.

In the 2016 Budget Act, \$5.4 million General Fund was allocated to the CDCR for consultant services to perform a study of the 12 original prisons constructed prior to 1980. Of these prisons, multiple were built during the 1800s, World War II, and/or contained aspects of military housing.²¹ The study evaluated the existing housing, program, and services buildings and infrastructure systems and developed recommendations regarding renovations or replacements necessary to maintain the current level of operations. This study is necessary to ensure continued compliance with the Three Judge Panel occupancy benchmark. According to an initial report, “the building and site systems evaluated at all 12 studied prisons has exceeded their expected useful life.” Table 4 documents the projects and costs associated with repairing the 12 original prisons. Additionally, the table includes

²¹ “Study: California's 12 Oldest Prisons Need Major Fixes,” The Associated Press, <https://www.usnews.com/news/best-states/california/articles/2019-07-16/study-californias-12-oldest-prisons-need-major-fixes>, July 2019.

replacement costs which, according to the reports, are defined as costs associated with constructing a prison of similar mission, population, location and types of housing.

Table 4: Repair costs associated with 12 original prisons

Facility	City	Capital Outlay	Special Repair	Total	Repair Costs	Costs to Replace Facility
San Quentin State Prison	San Quentin	9	2	11	\$1,646,929,000	\$2,800,000,000
California Men's Colony	San Luis Obispo	9	3	12	\$1,557,192,000	\$2,900,000,000
Correctional Training Facility	Soledad	22	4	26	\$1,317,660,000	\$2,565,000,000
California Institution for Men	Chino	21	5	26	\$1,228,339,000	\$2,200,000,000
California Rehabilitation Center	Norco	7	0	7	\$1,116,309,000	\$1,850,000,000
Deuel Vocational Institution	Tracy	11	2	13	\$803,545,000	\$1,300,000,000
Folsom State Prison	Represa	10	1	11	\$799,579,000	\$1,600,000,000
California Medical Facility	Vacaville	9	1	10	\$763,500,000	\$2,550,000,000
California Correctional Institution	Tehachapi	11	5	16	\$530,691,000	\$967,000,000
Sierra Conservation Center	Jamestown	8	1	9	\$504,418,000	\$925,000,000
California Correctional Center	Susanville	8	2	10	\$502,515,000	\$1,000,000,000
California Institution for Women	Corona	7	1	8	\$413,046,000	\$804,900,000
	Totals	132	27	159	\$11,183,723,000	\$21,461,900,000

The costs to repair these facilities are roughly \$11 billion.

- **Security level.** The inmate classification is an overlooked but important consideration that the Legislature and the Administration should consider in optimization of population placement. The classification is interconnected with security level, staffing, and rehabilitation placements, all of which can alleviate cost and capacity pressures, and could potentially lead to a further reduction in the prison population. The current inmate classification system, a methodology established in the early 2000s by researchers at the University of California, Los Angeles, assigns inmates to housing and varying degrees of security based on their assessed risk of misconduct, factors such as escape risk, and backgrounds (such as age at first arrest, age at assessment, gang affiliation, and number of prior incarcerations, prior rules violations, and behavior) during the previous 12 months of incarceration. Accordingly, the classification system significantly influences how CDCR deploys scarce housing space and custody staff and has important implications for state costs.

Moreover, because the system determines where and how inmates are housed and supervised, it significantly affects the daily experiences of individual inmates. In addition, because housing and supervision placements can affect inmates' abilities to earn credits that reduce their prison terms, the classification system can affect how long some inmates ultimately spend in prison. Table 5 documents security requirements for each housing level according to the LAO²².

Table 5: Breakdown of coverage by security level

Level	Minimum Required Bed Type	Minimum Required Perimeter Security	Armed Coverage
I (lowest)	Dorms	None	None
II	Dorms	Electric fence or wall with guard towers	None
III	Cells	Electric fence or wall with guard towers	External
IV (highest)	Cells	Electric fence or wall with guard towers	External and internals

²² Legislative Analyst's Office. "Improving California's Prison Inmate Classification System," <https://lao.ca.gov/Publications/Report/4023#top>, May 2019.

Table 6, also from the LAO, documents, as of June 2018, the number of inmates and capacity at institutions.

Table 6: Capacity breakdown by number of inmates²³

Housing Level	Number of Inmates	Design Capacity	Percent of Capacity (%)
I	10,596	12,505	85
II	40,689	33,377	122
III	22,938	18,420	125
IV	23,759	14,936	159
Totals	97,982	79,238	124

CDCR's Level I facilities are only at 85 percent capacity, while Level II and III facilities are over 120 percent of capacity. As of February 27, 2019 the state housed nearly 3,500 inmates in conservation camps, though camps have a total design capacity of nearly 4,700. Accordingly, CDCR's overly expansive exclusions on camp eligibility, which have contributed to the roughly 1,000 vacant camp beds could be costing the state tens of millions of dollars annually in unnecessary expenditures on contract beds.

The Level I capacity is likely due to exclusions of certain inmates: People with low risk sex offenses are excluded from Level I housing and Minimum Custody and inmates with more than five years left to serve or minor felony detainees are excluded from Minimum Custody.

The strict exclusions of certain inmates from Level I facilities and Minimum Custody likely increase state prison costs in two ways. First, inmates assigned to higher security settings earn fewer credit earning opportunities than they otherwise would at Minimum Custody settings or conservation camps. This, in turn, increases the inmate population and associated state costs. Second, it results in the state spending more than necessary on contract beds due to a lack of bed space in state prisons. The total cost savings would be linked to the amount of inmates moved to conservation camps.

Inmate classification, and therefore security level, are interconnected with placement of incarcerated people who will be relocated upon facility closures and costs of maintaining contract beds per facility.

- ***How would the state repurpose closed spaces and what is the vision for the remaining open facilities?*** The state could look to remodel, retrofit, and certify the space that once held a prison to develop universities, colleges, or state hospital beds. Meanwhile, the Legislature and the Administration should consider whether the system of open prisons would be urban clusters located near families of incarcerated people, in locations closer to

²³ Ibid.

where it can be better staffed, filled with fewer facilities that have larger capacities or something completely different.

POST-RELEASE: REENTRY AND TRANSITIONAL SERVICES

Upon reentry into communities formerly incarcerated people often face a range of challenges.²⁴ Many have low levels of education and literacy, limited prior attachment to the legal workforce, reduced ties to family and community, and histories of substance abuse and mental health problems. Other challenges include lack of basic documentation such as a current driver's license, the use of criminal background checks by employers, and state laws and licensing requirements for jobs in certain fields impede their ability to gain employment. Research has shown that large numbers of people are released into a disproportionate number of vulnerable communities, causing instability and reduced social cohesion within these neighborhoods.²⁵ And, California has among the highest recidivism rates in the nation, with many low-level criminal offenders committing new crimes within a year of release. Employment and housing are just two critical pieces of the reentry puzzle amongst many.

Studies suggest that employment programs offer the formerly incarcerated a better opportunity to reduce recidivism and increase the chances of addressing criminogenic behaviors. Employment offers stable incomes, structured timelines, resources and services through training that enhances a formerly incarcerated person's ability to reintegrate into his/her communities.²⁶ The collection of factors and challenges illustrates that there is a critical need for programming and policies inside and outside of the prison system to improve their eligibility for employment. Employment carries significant meaning and importance, especially those coming from vulnerable and disadvantaged communities. For these people employment provides emotional, financial, and mental stability, promotes self-esteem and self-sufficiency, and aids in recovery from mental illness, reintegration from prison, and/or physical/developmental disabilities.

Employment is Vital to Stable and Successful Reentry but Significant Barriers Exist. Despite statewide and nationwide reforms, barriers to employment still exist in a variety of industries. The Institute for Justice conducted a nationwide study to compare the burdens of occupational licensing on a state-by-state basis. Many of the occupations listed, such as optician, dental assistant, barber, truck driver, and Emergency Medical Technicians and other, industries that offer employment to the currently and formerly incarcerated, were profiled in this study. The study reveals that California has a combination of high average licensing fees (\$486), long education and experience

²⁴ Jeanne Bellotti et al., "Examining a New Model for Prisoner Re-Entry Services: The Evaluation of Beneficiary Choice Final Report," March 16, 2011. https://www.dol.gov/asp/evaluation/completed-studies/Examining_a_New_Model_for_Prisoner_Reentry_Services/FINAL_REPORT_examining_new_model_prisoner_reentry_services.pdf.

²⁵ Ibid.

²⁶ Jeremy Travis, Bruce Western, and Steve Redburn, *The Growth of Incarceration in the United States: Exploring Causes and Consequences*. http://johnjay.jjay.cuny.edu/nrc/nas_report_on_incarceration.pdf

requirements (827 days lost) and a high number of licensing exams per industry (two).²⁷ Moreover, compared to other states, California contains the most burdensome licensing environments for low-income workers. Additionally, nearly 30 percent of California jobs require licensure, certification, or clearance by an oversight board or agency for approximately 1,780 different occupations. Applications for licenses are denied and licenses are revoked or suspended for many on the basis of prior convictions. Alleviating these burdens would result in a boon in the overall employment rate in these industries.

Housing for Formerly Incarcerated People is Another Critical Piece to the Reentry Puzzle. Studies have shown that the first month after release is a vulnerable period “during which the risk of becoming homeless and/or returning to criminal justice involvement is high.”²⁸ Yet, in most jurisdictions to which individuals return after incarceration, accessible and affordable housing is in exceedingly short supply. Additional challenges unique to people with a criminal history make it even more difficult for them to obtain suitable housing. Historically, the national debate on housing for people returning from prison or jail has been considered within broader discussions of affordable housing. However, as the number of formerly incarcerated individuals has skyrocketed over the last few decades, widespread concern has developed about how to provide them with housing in ways that promote public safety. Across the U.S. in 1980, 144,000 individuals were released back to their communities from state prisons;²⁹ by 2008 that number had more than quadrupled to 683,106.³⁰

The vast majority of people in prison or jail expect to live with their families or friends after their release, but many are not equipped to receive them. For those individuals who do not own a home and cannot live with friends or relatives, there are six other categories of stable housing options that may be appropriate for supporting successful reentry: private-market rental housing; public housing; affordable housing (nonprofit or privately owned and managed); halfway houses; supportive housing; and specialized reentry housing.

Homelessness overall remains a continuing challenge for many cities. The U.S. homeless population falls into three major categories: those that are temporarily homeless, about 75 percent; those that are episodically homeless, about 10 percent; and those that are chronically homeless, about 15 percent. Chronic homelessness is defined as an unaccompanied adult who has been continuously homeless for a year or more or more than four times homeless in three years that totals 365 days. This small 15 percent of the homeless population, estimated to be 80,000 people in the U.S., can consume 50 to 60 percent of the homeless resources available in a community.

²⁷ Dick M. Carpenter II, Ph.D., Lisa Knepper, Kyle Sweetland, and Jennifer McDonald, "License to Work: A National Study of Burdens from Occupational Licensing." <https://ij.org/report/license-work-2/tw-state-profiles/tw2-california/>.

²⁸ Council of State Governments, Report of the Re-Entry Policy Council (New York: Council of State Governments, 2005), 272.

²⁹ Jeremy Travis and Sarah Lawrence, *Beyond the Prison Gates: The State of Parole in America* (Washington, DC: Urban Institute, Justice Policy Center, 2002).

³⁰ William J. Sabol, Heather C. West, and Matthew Cooper, *Prisoners in 2008*, U.S. Department of Justice, Bureau of Justice Statistics, NCJ 221944 (Washington, DC: U.S. Department of Justice, 2009).

Overall the importance of comprehensive supportive and wraparound services during the pursuit of pre- and post-release should not be neglected. These services aid in the rehabilitation process and, eventually, provide a warm landing upon reentry—helping to provide a semblance of stability upon reentry. Increasing funding and development will help the impacted population with substance use disorder treatment, education, housing, family reunification, vocational training and employment services.

As the state works toward a durable solution for reducing its prison population without building new prisons and contracting for more private beds, the state must balance long-term goals with high quality, effective rehabilitation and reentry programming and treatment to ensure that people leaving prison do not return. The prison closure proposal is an enormous step forward but absent a fundamental framework and robust plan, we may introduce unintended consequences that will span decades. It is critical that we address large problems that are barriers on the path to a prison closure.