



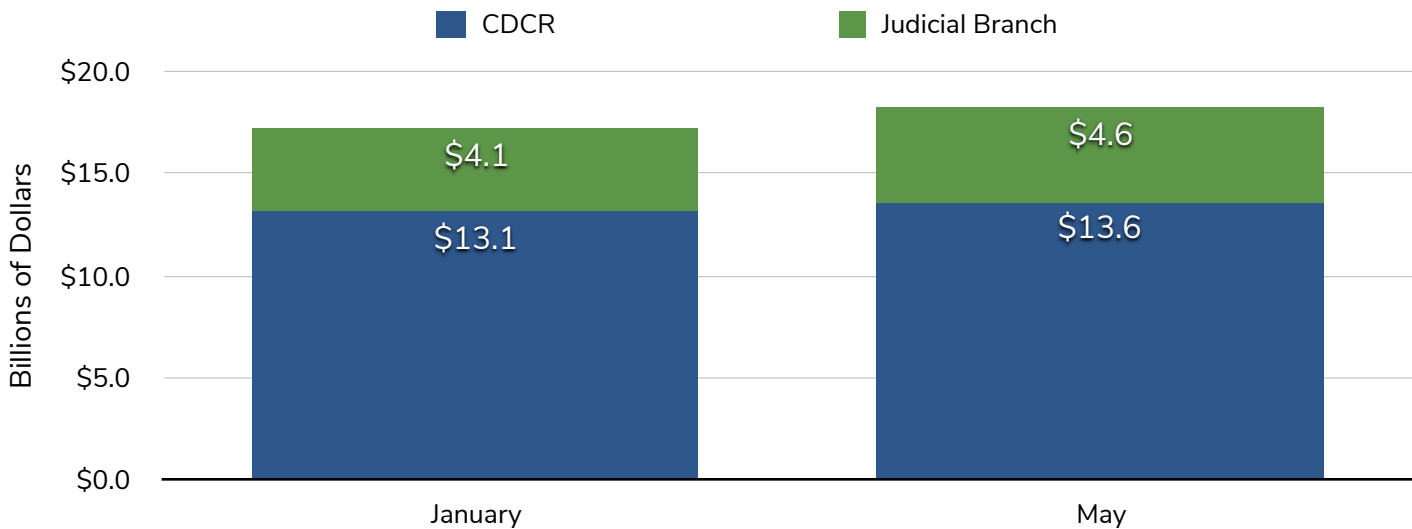
# CALIFORNIA BUDGET BASICS

## Criminal Justice

The state’s criminal justice system includes the **California Department of Corrections and Rehabilitation (CDCR)** and **the judicial branch**. CDCR also supervises those released on parole and provides rehabilitation programs—such as education, career training, counseling, and substance abuse treatment—to help former inmates reintegrate into the community. The judicial branch consists of the state Supreme Court, courts of appeal, trial courts, and the Judicial Council (the rule-making arm of the California court system).

The 2021-22 May Revision proposes total funding of \$13.6 billion (\$13.3 billion General Fund and \$347 million other funds) for CDCR, including \$546.9 million General Fund for rehabilitative programs—nearly double the funding level of \$300 million in 2012-13. Lastly, the 2021-22 May Revision includes total funding of \$4.6 billion (\$2.7 billion General Fund and \$1.9 billion other funds) for the judicial branch, of which \$1.2 billion is provided to support trial court operations.

Criminal Justice Total Funding Under January Budget & May Revision in 2021-22



Data from the California Department of Finance

[Proposition 25](#) in November 2020 would have eliminated cash bail in most instances and set up pretrial services offices at the county level to determine whether someone should be released pending trial based on public safety and flight risk, though it was defeated by the voters. However, a [recent California Supreme Court case](#) ruled that it is unconstitutional to require defendants to remain behind bars simply because they cannot afford bail. This ruling will require judges to favor pretrial release and consider a person’s ability to pay before setting bail. Therefore, the option to eliminate cash bail remains as the ruling will likely significantly increase pressure on counties to provide pretrial services.

## WHAT'S IN THE 2021-22 MAY REVISION & FINAL BUDGET

The May Revision proposes another \$50 million (on top of the \$50 million proposed in the January budget) one-time to address CDCR's highest priority deferred maintenance projects, including those that have resulted in essential infrastructure systems deteriorating to the point of failure. To further assist in reducing recidivism, the Governor's May Revision includes \$23.2 million in 2021-22, and \$18 million ongoing, to enable the purchase of 37,000 laptops and associated IT infrastructure to provide greater access to educational opportunities beyond the \$546.9 million for rehabilitation programs more broadly. These proposals were included in the final budget.

The May Revision and final budget also include \$408 million one-time General Fund in 2021-22 (up from \$281.3 million in the January budget) for COVID-related activities such as testing, cleaning, tents, and personal protective equipment purchases. CDCR expects to have spent over \$1.1 billion on these activities since the start of the pandemic through the end of the 2020-21 fiscal year in June 2021.

The Governor's proposed January budget included \$12.3 million General Fund in 2021-22 (increasing to \$58.4 million ongoing by 2024-25) to expand a program allows indigent and low-income individuals to apply online to have their fines and fees from traffic infractions reduced in accordance with their ability to pay. However, low-income Californians have been hit particularly hard by the COVID-19 pandemic and the May Revision proposes further relief. Therefore, the May Revision proposes \$300 million one-time funds to create a debt forgiveness program. Under this program, an individual could apply to have 100% of their debt forgiven upon submission of an application verifying their low-income status.

Further in the final budget, CDCR terminated its final in-state contract correctional facility in May 2021. As included in the 2020-21 final budget, the Deuel Vocational Institution in Tracy is scheduled to close by September 2021, resulting in \$119 million General Fund savings in 2021-22 and \$150.3 million annually beginning in 2022-23. The final budget also includes plans to close the California Correctional Facility in Susanville by June 2022, achieving an estimated \$122 million General Fund savings annually.

### CRIMINAL JUSTICE KEY FACTS

- ➔ **Population Decline:** The adult inmate population across the state's 35 prisons and 42 conservation camps has been decreasing since a peak of 173,600 in 2007
  - ▶ o The average daily adult inmate population for 2021-22 is expected to be 106,529, an increase of 10,935 from the January estimate of 95,324 due primarily to the resumed intake of individuals sentenced to prison but who remained in county jails in response to the pandemic
- ➔ **Pandemic Impacts:** All 35 state institutions have had active COVID-19 cases at some point since March 2020 and 103 inmates had died at 17 institutions as of mid-December 2020
- ➔ **Recidivism:** The recidivism rate (rate of those released from state prison who are subsequently convicted a new crime within 3 years of release) in California is 46.5%
  - ▶ Of the 39,205 inmates released in 2014-15, 53.5% had no convictions within 3 years of release
  - ▶ Misdemeanor drug/alcohol crimes comprised the largest majority of all post-release convictions (21.7%)
  - ▶ Among those that completed substance abuse treatment, their 3-year conviction rate was 18.5%, compared to 50.1% for those that didn't
- ➔ **Increased Rehabilitation:** The total capacity for all in-prison rehabilitative programs is 106,700 slots as of June 2020, a decrease of roughly 10,000 slots compared to June 2019
  - ▶ There were approximately 24,000 additional slots for post-release programs in June 2020, up from roughly 21,000 in June 2019
  - ▶ Most in-prison program slots are education-related, while most post-release slots are for employment and substance abuse treatment

\*Data from the 2021-22 May Revision & final budget, LAO, [CDCR](#), and the [C-ROB](#).

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