

CALIFORNIA

CORRECTIONS



PPIC

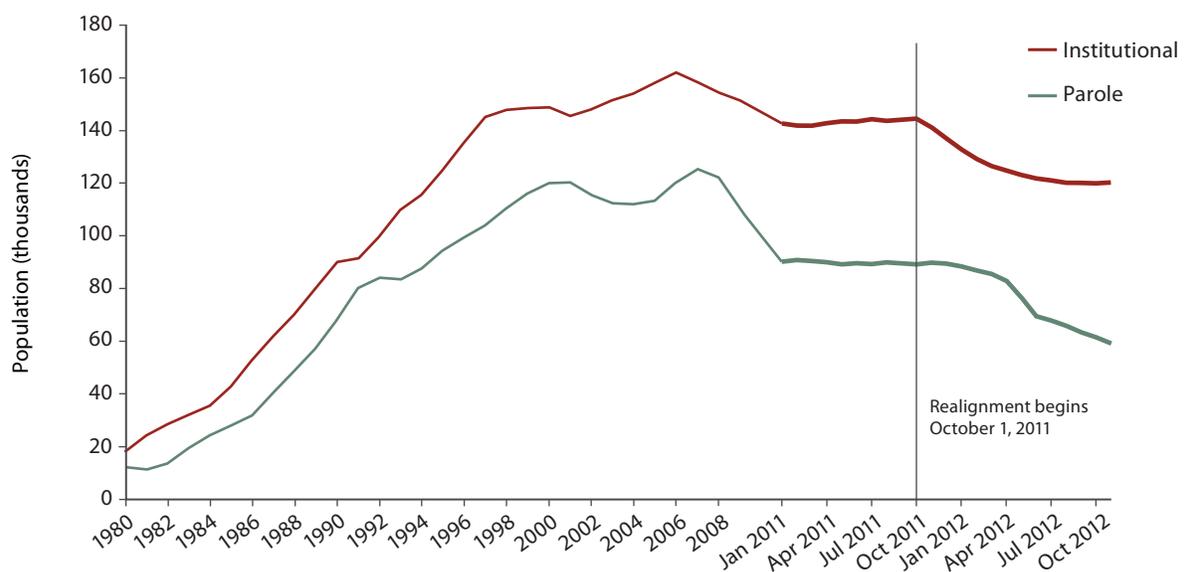
PUBLIC POLICY
INSTITUTE OF CALIFORNIA

CALIFORNIA IS PURSUING HISTORIC CHANGES TO ITS ADULT CORRECTIONS SYSTEM

The past 30 years have seen dramatic changes in California's prison system. Between 1980 and 2006, the adult prison population increased more than sevenfold. The number of prisons also increased, from 12 to 33 during that time, but crowding worsened, and cost became an issue. Spending on corrections rose from 2.9 percent of the state's general fund in the 1980 fiscal year to 10.5 percent in fiscal year 2010. Felony crime rates dropped by 52 percent between 1980 and 2010, fueling debate about whether mass incarceration has been an effective remedy or a costly response to a now-diminished problem.

A lawsuit filed in 2001 citing the state's "grossly inadequate" provision of prisoner health care prompted a May 2011 U.S. Supreme Court decision that gave the California Department of Corrections and Rehabilitation (CDCR) two years to reduce its institutional population to 137.5 percent of design capacity—equivalent to a reduction by some 33,000 prisoners. Assembly Bill (AB) 109, signed that spring by Governor Brown, shifted responsibility for many non-serious, non-violent, and non-sexual offenders to county jail and probation systems. As of October 1, 2011, many felons who would have gone to state prison are now incarcerated in counties or given alternative sanctions. And many parolees from the state system will now be supervised by the counties. This unprecedented policy shift—known as "realignment"—will have a substantial impact at the state, county, and community level.

CALIFORNIA'S INSTITUTIONAL AND PAROLE POPULATIONS PEAKED IN THE LAST DECADE



SOURCE: CDCR annual data from 1980–2010 and monthly data from 2011–2012.

NOTES: "Institutional" refers to the population housed in the 33 adult institutions within California; it does not include inmates in fire camps, private facilities, or facilities out of the state. Institutional populations for 1985 and 1986 are imputed.

THE STATE PRISON AND PAROLE POPULATIONS ARE DECREASING—AND CHANGING

- **Realignment has reduced the state prison population.**

By the end of October 2012, the institutional population had declined from 144,500 to 120,200—a 17 percent decrease in the first full year of realignment. This left the institutional population at 147 percent of design capacity—more than 10,000 inmates over the 137.5 percent target. Another 8,503 inmates were housed in private prison facilities in Arizona, Mississippi, and Oklahoma; this total has not changed significantly in the past three years.

- **Violent offenders are a growing majority of the prison population.**

The number of violent offenders in state prisons has been climbing steadily for the past 20 years. Their proportion of the whole has increased as the numbers of other types of offenders have stagnated or dropped off. As realignment has begun to send nonviolent felony offenders to county jurisdiction instead of to state prison, the mid-year share of violent criminals has risen (from 59 percent in 2011 to 68 percent in 2012).

- **As the parole population declines, the proportion of serious, violent, and sexual offenders on parole is increasing.**

By the end of October 2012, the parole population had declined from 89,200 to 59,300—a 34 percent decrease in the first year of realignment. As counties take responsibility for less serious offenders, the composition of state parole now has a greater proportion of serious, violent, and sexual offenders. On June 30, 2011, parolees with a serious or violent current or prior offense made up 46 percent of the parole population; a year later they constituted 60 percent.

COUNTIES FACE NEW RESPONSIBILITIES

How well prepared are the counties—each with a unique set of corrections resources, attitudes toward incarceration, and public safety realities—to take on their new tasks?

- **Some counties are focusing on alternatives to incarceration ...**

Since many counties will not be inclined, or able, to incarcerate all of the additional offenders, some jurisdictions are putting resources into alternative sanctions. For parole and probation violators, return to state prison is no longer an option, so counties will rely on jail terms or alternatives such as “flash incarceration” (sending violators to jail for a few days at a time), drug abuse treatment, work release, education, and community-based residential programs.

- **... while others are augmenting their jail capacity.**

AB 900, passed in 2007, provided funding for jail construction, and 20 counties have received a total of \$1.2 billion. Calaveras, Madera, and San Bernardino Counties began adding capacity in 2011; San Diego and Solano Counties began construction in 2012. Other counties—including some, like San Francisco and Contra Costa, that have been focused on alternatives to incarceration for some time—are addressing anticipated capacity needs by reopening closed facilities.

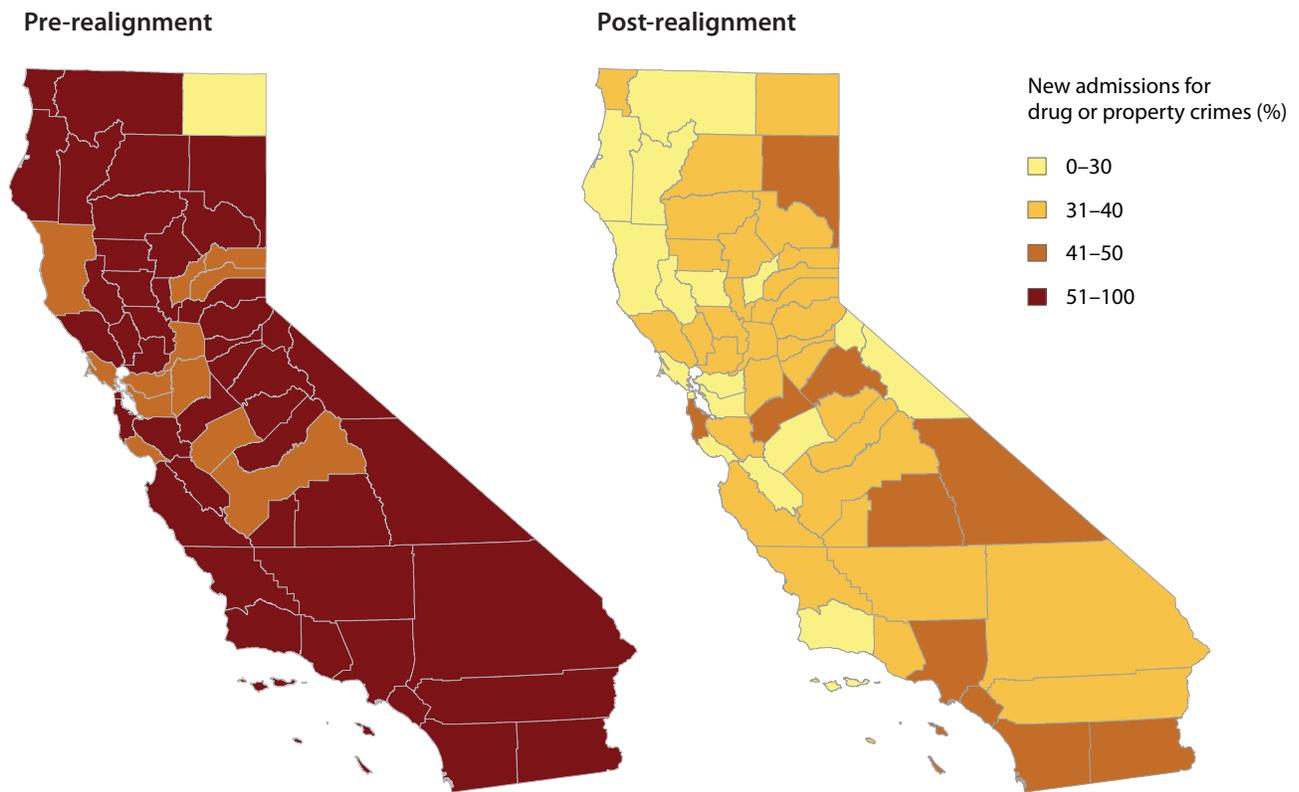
- **The funding formula has changed to accommodate counties’ disparate experiences.**

The projected realignment population of prisoners and probationers figured heavily in the first-year formula the state used to allocate funds to each county. Officials in counties that have been pursuing alternatives to incarceration for some time objected that they were being penalized for pioneering the kind of “evidence-based” alternatives to prison that the state is now encouraging. Officials of smaller counties and counties at jail capacity also argued they were being shortchanged, so the second- and third-year rules provide counties some flexibility to choose their allocation formula among several options.

- **Counties have differing jail capacities ...**

All counties in California except Alpine County have their own jail facilities. The smallest capacity is in Sierra County, which has one jail built to hold 14 inmates, and the largest is in Los Angeles, with multiple facilities for a total of 13,688 inmates. In all, the state’s 58 counties have a jail capacity of around 76,000.

FEWER DRUG AND PROPERTY OFFENDERS ARE GOING TO STATE PRISON



SOURCE: New Felony Admissions and Parole Violators with a New Term, CDCR, 2010–2012.

- **... and differing jail populations.**

In September of 2011, the state's county jails had an average daily population of about 72,000. In the 12 months before realignment was implemented, 14 counties maintained average daily populations in their jails that exceeded their capacities, and 32 counties released inmates because of a lack of capacity. As of November 2012, 18 counties were operating under court-imposed or self-imposed caps limiting the number of inmates in their jails. Counties that consistently run their jails under capacity often rent out space to state or federal corrections agencies, so the number of available jail beds at the county level is difficult to estimate. In the nine months following realignment, the average daily population in the state's county jails increased to about 78,000.

REALIGNMENT'S IMPACT IS UNCERTAIN

- **Will crime go up?**

There has been much speculation and some anecdotal evidence that crime has gone or will go up as a result of realignment. The intent of realignment is to decrease reliance on custodial sanctions, so a larger share of the supervised population will be in the community rather than incarcerated in jail or prison. However, it may be that an emphasis on rehabilitation will ultimately reduce crime. Gathering sufficient evidence to isolate the effects of this new policy on crime rates will take some time.

- **Recidivism of state parolees will probably decline, but will this be an improvement?**

Before realignment, close to two-thirds of offenders in California were returned to prison within three years of being released on parole. A minority were convicted of a new crime; typically, 65 to 75 percent were sent back to prison by the state parole board for criminal and noncriminal administrative violations of parole. Under realignment, parole and probation violators will serve their revocations in county jail or be subject to alternative sanctions. This will lower the rate at which offenders are returned to California prisons, but unless parole is more successful at the county level, there may be no change in arrest rates. Offenders remaining under state parole supervision are also likely to show decreases in recidivism, as serious, violent, and sexual offenders historically have lower rates of arrests than other kinds of offenders.

- **Will overcrowding worsen at the county level?**

If overcrowding at the state level is simply being passed along to county jails, which are typically less suited for long-term stays, the average prisoner's conditions of confinement and prospects for rehabilitation will not improve.

- **Will health care delivery improve?**

CDCR officials are optimistic about the prospects for improving health care as the prison population decreases. However, in September 2012, a federal judge again rejected the state's request to end the federal receivership that has controlled the prison health care system since 2006. At the county level, officials are relying on existing local systems of health care delivery, which frequently experience serious resource constraints. However, federal support for county-based Low Income Health Programs currently provides health care access for this population, and the expansion of the Medi-Cal program through the Affordable Care Act should offer many low-income probationers access to comprehensive health care starting in 2014.

- **Will prosecution and sentencing change?**

County officials may be responding to the incentives introduced by realignment by altering their approach to prosecution and sentencing. In marginal cases, district attorneys may opt for more serious charges (known as "up-charging") in hopes of sending offenders to prison instead of county jail. Similarly, prosecutors may decide to charge rearrested parolees with new crimes rather than allow them to be handled as administrative violations of parole. These approaches might increase prison commitment rates over time. Alternatively, judges may opt for lighter sentences or split sentences that keep offenders in local custody for less time.

CALIFORNIANS ARE AMBIVALENT ABOUT CORRECTIONS

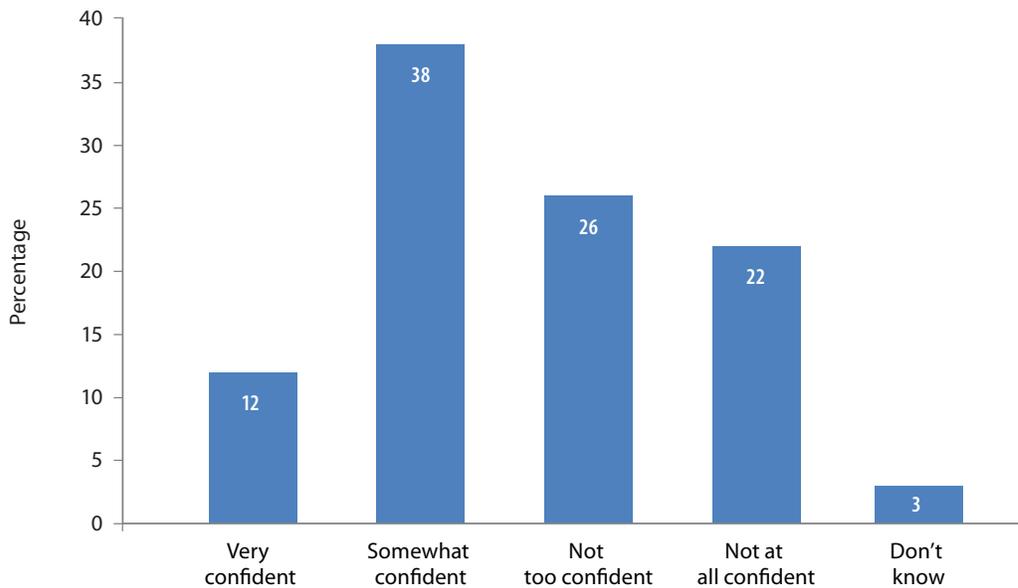
- **Californians have not traditionally prioritized corrections spending.**

PPIC Statewide Survey respondents have consistently ranked corrections spending low on the list of programs they would most want to protect from spending cuts. During the last ten years, the proportion of respondents ranking it first has never risen above 8 percent and it has always polled behind the other three major budget areas: K-12 education, higher education, and health and human services.

- **Views of the counties' readiness for realignment are consistent across the state.**

In January 2012, the PPIC Statewide Survey asked respondents how confident they were of their local government's ability to take on the responsibilities of public safety realignment. Nearly twice as many (22 percent) said they were "not at all confident" as said they were "very confident" (12 percent), but the majority expressed no strong opinion. These results did not change substantially from the two previous surveys, in September and November 2011, nor do they vary appreciably when broken out by region, race/ethnicity, or political ideology.

CONFIDENCE IN LOCAL GOVERNMENTS ABILITY TO HANDLE CORRECTIONS REALIGNMENT IS MIXED



SOURCE: PPIC Statewide Survey results, January 2012.

LOOKING AHEAD

Now that corrections realignment is under way, there are a number of areas to watch.

Funding. Governor Brown's 2012–13 budget proposal established corrections realignment as a top priority, fully funding it via the sales tax and vehicle license fee. With the recent passage of Proposition 30, funding for realignment has been secured as a constitutional guarantee, so county officials may now be more willing to commit to long-term changes in their public safety programs.

Board of State and Community Corrections. The 2011 Budget Act created the Board of State and Community Corrections (BSCC), which assumed its responsibilities on July 1, 2012. As regards realignment, its mandate is to provide coordination and technical assistance to local governments. The BSCC reports to the governor's office—instead of to the CDCR—and is required to seek advice from a balanced range of stakeholders and experts in adult and juvenile corrections.

Evaluation. The state has not made funding available for evaluating county practices; nor does it require counties to report back to the legislature or even to collect data on their caseloads. Because AB 109 establishes no incentives, resources, or standards for counties to measure outcomes, it may be difficult to assess what California's most significant justice reform in decades has achieved. A coordinated evaluative effort, with widespread county participation and clearly defined goals, will improve the prospects for a successful public safety realignment.

We invite you to dig deeper at ppic.org. Related PPIC resources include:

Capacity Challenges in California Jails

Corrections Realignment: One Year Later

Evaluating the Effects of California's Corrections Realignment on Public Safety

California's Changing Prison Population

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