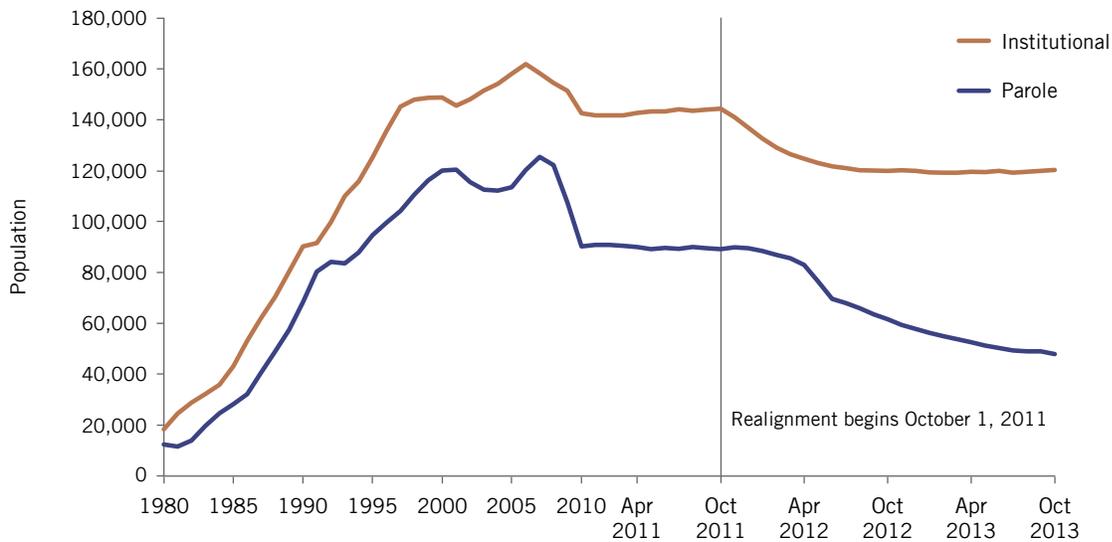


CALIFORNIA IS PURSUING HISTORIC CHANGES TO ITS ADULT CORRECTIONS SYSTEM

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 during that time, from 12 to 33, 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 county jails or given alternative sanctions. And many parolees from the state system are now supervised by the counties. This unprecedented policy shift—known as realignment—has had a substantial impact at the state, county, and community levels.

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



SOURCE: CDCR annual data from 1980–2010 and monthly data from 2011–2013.

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 beginning of October 2012, the institutional population had declined from 144,500 to 119,900—a 17 percent decrease in the first full year of realignment. But the population has leveled off since then, leaving the institutional population at 148 percent of design capacity—more than 8,000 inmates over the 137.5 percent target. Another 8,500 inmates are 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 midyear share of violent criminals has risen from 59 percent in 2011 to 70 percent in 2013.

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

By the beginning of October 2013, the state parole population had declined from 89,200 to 47,900—a 46 percent decrease in the first two years of realignment. As counties take responsibility for less-serious offenders, the state parole population 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 state parole population; two years later they constituted 71 percent.

COUNTIES VARY IN THEIR RESPONSES TO REALIGNMENT

California's 58 counties each have a unique set of corrections resources, attitudes toward incarceration, and public safety realities.

- **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 14,024 inmates. In all, the state's 58 counties have a jail capacity of around 77,000.

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

In September 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 June 2013, 18 counties were operating under court-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. As of June 2013, the average daily population in the state's county jails had increased to about 82,200.

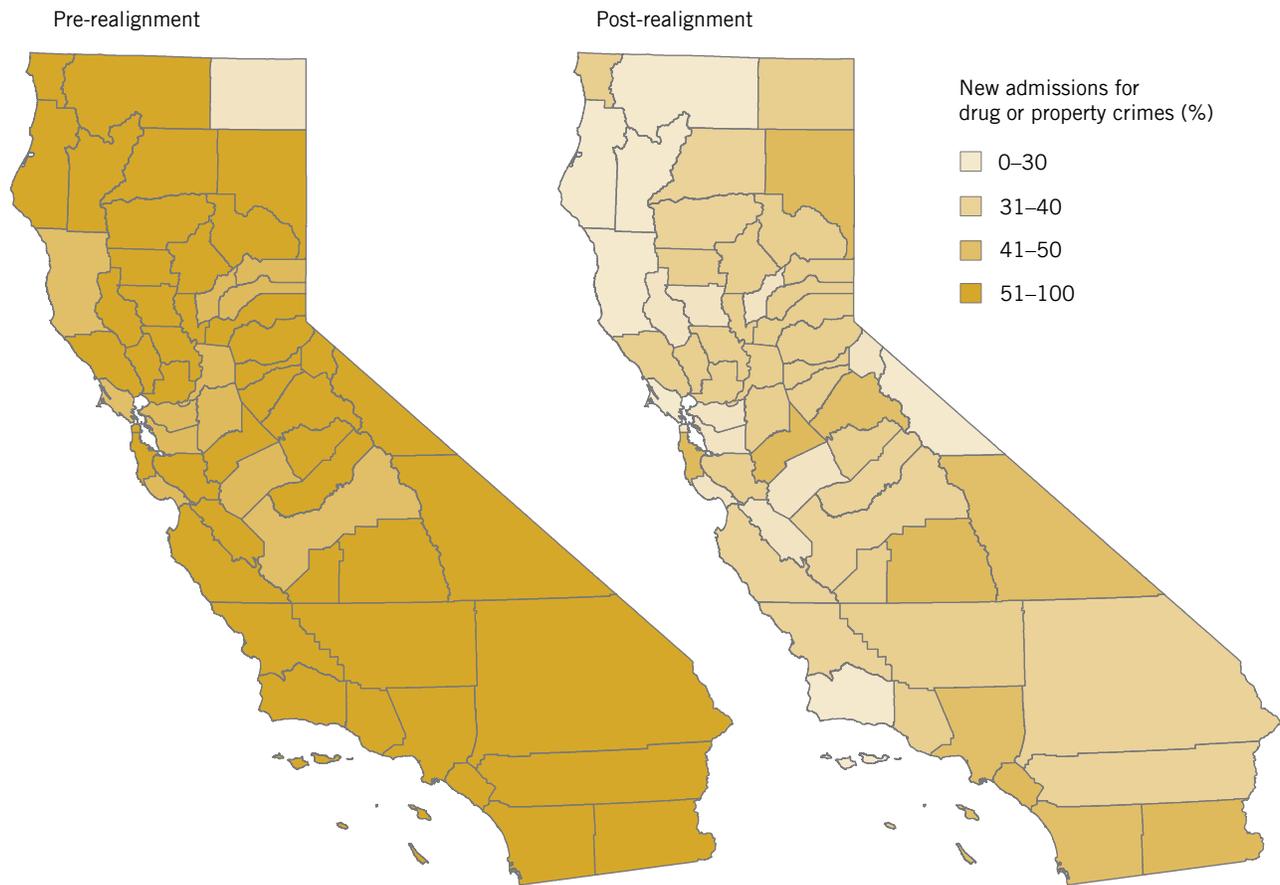
- **Some counties are focusing on alternatives to incarceration ...**

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

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

AB 900, passed in 2007, provided funding for jail construction, and 21 counties have received a total of \$1.12 billion. Calaveras and Madera Counties are the first to complete AB 900 projects, opening new facilities in late 2013. SB 1022, passed in 2012, provides an additional \$500 million for jail construction, with conditional awards to be announced in early 2014. The nearly \$1.7 billion total funding provided by the state could create up to 14,000 new jail beds over the next decade (an expansion of about 18 percent). However, some counties, such as Contra Costa, San Francisco, and Santa Cruz, have chosen to manage their jail populations without applying for jail construction funds, focusing instead on alternatives to incarceration.

FEWER DRUG AND PROPERTY OFFENDERS ARE GOING TO STATE PRISON



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

REALIGNMENT'S IMPACT IS UNCERTAIN

- **Crime rates have increased slightly—but is this due to realignment?**

California's crime rates have recently started to increase but remain at historically low levels, substantially below those of a decade ago. Nonetheless, with the significant decrease in incarceration that followed realignment, concerns have been raised about increases in crime. Strong evidence suggests that changes in incarceration caused by realignment increased property crime somewhat, especially motor vehicle thefts, but finds no evidence that the most serious crimes, murder and rape, have increased as a result of realignment.

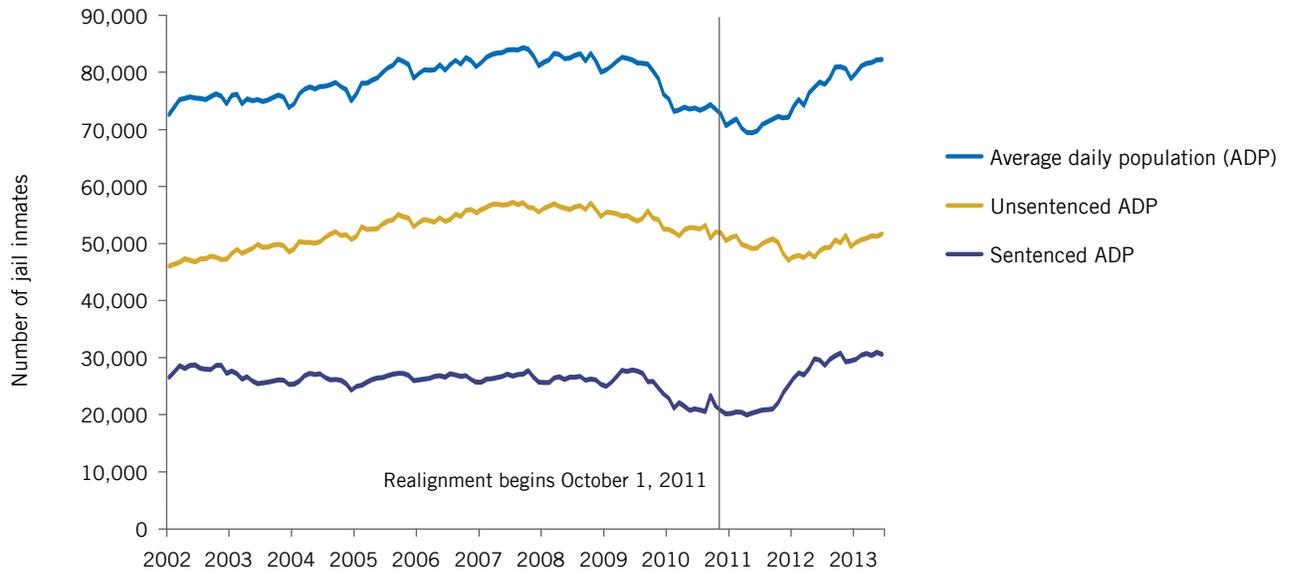
- **Recidivism patterns are changing.**

Recidivism rates are measured in three ways—as the percentage of released prisoners who are rearrested, convicted, or returned to prison. The first two measures have seen only small changes since realignment began. But returns to state prison have dropped dramatically. Only 7 percent of post-realignment releases have been returned to prison after realignment, compared to 40 percent before realignment. This decline is a direct result of AB 109's requirement that county jails oversee those whose parole has been revoked and those who have been convicted for non-serious, non-violent, and non-sexual offenses.

- **County jail populations are increasing.**

As the state prison population has decreased, county jail populations have increased. The average daily jail population reached 82,200 by June 2013—higher than just before realignment began, but still lower than the peak of 83,000 in July 2007. Despite the increase, overall incarceration levels statewide are now lower than they were before realignment, because the increase in the jail population has been lower than the decrease in the prison population. The composition of the jail population has also changed. Post-realignment, a greater portion of jail inmates are sentenced felons rather than unsentenced felons and misdemeanants.

COUNTY JAIL POPULATIONS ARE RISING BUT ARE STILL BELOW PREVIOUS PEAK



SOURCE: Jail Profile Survey, January 2002–June 2013, Board of State and Community Corrections.

NOTE: Statewide figures include population numbers from Santa Ana Police Department.

- **Is health care delivery improving?**

Recent system-wide audits by the Office of the Inspector General show improvement in some measures of quality, although criticism remains—particularly of the system’s handling of persistently high suicide rates. The Affordable Care Act will provide opportunities for enrolling uninsured inmates and individuals under community supervision to access health care, including treatment for mental illness and substance abuse. But it remains unclear whether lawsuits against the state challenging the constitutionality of mental and medical health care will now be brought against counties.

- **How are prosecution and sentencing changing?**

Realignment altered the incentives related to prosecution and sentencing. In marginal cases, district attorneys may now 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 so-called split sentences that require offenders to spend a portion of the sentence in jail and the rest under supervision by a probation officer.

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 vary across demographic and regional groups.**

In September 2013, the PPIC Statewide Survey asked respondents how confident they were in their local governments' ability to take on the responsibilities of public safety realignment. Four in 10 said they were either very (7%) or somewhat (33%) confident, while a majority were either not too (32%) or not at all (25%) confident. Asians (49%), blacks (47%), and Latinos (45%) were much more likely than whites (35%) to be very or somewhat confident. Confidence was higher in Los Angeles (47%) and the Inland Empire (46%) than in the San Francisco Bay Area (37%), Orange/San Diego (37%), and the Central Valley (36%).

CONFIDENCE IN LOCAL GOVERNMENTS' ABILITY TO HANDLE CORRECTIONS REALIGNMENT IS MIXED



SOURCE: Mark Baldassare et al., *PPIC Statewide Survey: Californians and Their Government*, September 2013.

LOOKING AHEAD

With California more than two years into public safety realignment, several issues still deserve sustained attention.

Next steps in reducing the prison population. Despite dramatic decreases, the state prison population remains above the threshold of 137.5 percent of design capacity set by the federal court. The legislature and governor are considering additional options for meeting the federal court's mandate, including: increasing the reliance on private prisons; making a deal to extend the deadline for complying with the court order in exchange for increased funding for rehabilitation and community treatment programs; and, as a last resort, allowing the early release of the remaining non-serious, non-violent, and non-sexual offenders left in the system.

Funding. Governor Brown's 2013–14 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.

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 will be difficult to assess what California's most significant justice reform in decades has achieved.

Contact a PPIC expert:



Ryken Grattet
grattet@ppic.org



Magnus Lofstrom
lofstrom@ppic.org



Joseph Hayes
hayes@ppic.org



Sonya Tafoya
tafoya@ppic.org



Mia Bird
bird@ppic.org

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This series is funded by PPIC's Donor Circle and the S. D. Bechtel, Jr. Foundation.



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Public Policy Institute of California
500 Washington Street, Suite 600
San Francisco, CA 94111
T 415 291 4400 F 415 291 4401
www.ppic.org

PPIC Sacramento Center
Senator Office Building
1121 L Street, Suite 801
Sacramento, CA 95814
T 916 440 1120 F 916 440 1121

