CALIFORNIA’S PRISON AND JAIL SYSTEMS CONTINUE TO FACE CHALLENGES

Over the past 40 years there have been remarkable changes to corrections in California. “Tough on crime” policies such as determinate sentencing, mandatory minimum sentences and sentence enhancements, the three-strikes law, and the war on drugs led to a more-than-sevenfold increase in the prison population between 1980 and 2006. During the same period, expenditures rose dramatically and the corrections share of the state budget tripled. These increases could arguably be justified by pointing to falling crime rates: violent crime dropped by about 40 percent and property crime declined by about 54 percent. But other factors—such as demographic and economic changes, as well as changes in policing and drug markets—likely contributed to the drop in crime.

Although the number of prisons increased from 12 to 33 between 1980 and 2006, the prison population grew faster than capacity, and overcrowding led to poor prison conditions. As a result, California was sued in federal court for providing inadequate mental health and medical care. In 2011 the U.S. Supreme Court upheld the mandate of a three-judge panel, which had ordered the state to reduce its institutional population to 137.5 percent of designed capacity. At the time, this amounted to a reduction of roughly 35,000 prisoners.

The state responded with Assembly Bill (AB) 109, which shifted responsibility for many non-serious, non-violent, and non-sexual offenders to county jail and probation systems. Implemented on October 1, 2011, this unprecedented policy shift—known as realignment—was intended to reduce the state’s reliance on incarceration. Premised on the idea that “locals can do a better job,” realignment was expected to lead to cost savings. The reform reduced the prison population by about 27,000 in its first year. It also led to increased coordination across local criminal justice agencies and incentivized the use of evidence-based practices. However, the prison population is still at 140.9 percent of capacity—about 2,800 inmates over the mandated target. Moreover, the county jail population has increased by about 11,000 since realignment began and is approaching historic highs. Also troubling is the historically high level of state expenditures on corrections.

CALIFORNIA’S TOTAL EXPENDITURES ON CORRECTIONS ARE AT A HISTORICAL HIGH

![Graph of California's corrections expenditures and share of total state expenditures](source: California Department of Finance. NOTES: Total annual expenditure includes general, special, and bond expenditures. Expenditures are adjusted for inflation and are expressed in 2014 dollars.)
STATE PRISON AND PAROLE POPULATIONS ARE DECREASING

- Realignment has reduced the prison population.
  In November 2014 the state prison population stood at 136,000, about 24,700 smaller than it was in September 2011. All of the reductions occurred in the first year of realignment; since then the population has increased by about 2,700. The vast majority of inmates (116,500) are in California Department of Corrections (CDCR) facilities. In addition to this group—known as the institutional prison population—there are 8,700 inmates housed in private facilities in Arizona, Mississippi, and Oklahoma, about 6,400 in contract beds in public and private in-state facilities, and about 4,000 in camps. The out-of-state population has not changed significantly in the past three years, but the in-state contract bed population has increased by 3,900.

- Realignment ended the practice of sending parole violators back to prison, but re-arrest and reconviction rates remain high.
  The one-year return-to-prison rate for released offenders has dropped from around 41 percent to about 8 percent—largely because parole violators are no longer returned to state prison. Other measures of recidivism are mostly unchanged, with one exception: the proportion of those arrested multiple times has increased by about 7 percentage points.

- As the parole population declines, county probation caseloads are increasing.
  Since realignment, most inmates released from state prison go to county probation—known as Post-Release Community Supervision—instead of state parole. As a result, the parole population has dropped dramatically (from 89,200 to 41,300), while county probation caseloads have increased by 42,200 (as of October 2013).

- California is less reliant on prison incarceration than many other states but has the largest corrections budget in the nation.
  California’s prison incarceration rate of 353 inmates per 100,000 residents is well below the national average of 431 and ranks 33rd in the country. However, in 2011, the most recent year of data allowing for state comparison, the state General Fund expenditure of about $8.5 billion was more than twice that of the second-highest spender, Texas—and almost as much as Texas, New York, and Florida combined. However, California’s per capita and per prisoner expenditures ($226 and $57,019, respectively) are not the highest in the nation—they are 5th and 9th.

CALIFORNIA’S PRISON AND PAROLE POPULATIONS PEAKED IN THE PAST DECADE

SOURCE: California Department of Corrections (CDCR) weekly population reports.
NOTE: “Institutional” refers to the population housed in CDCR adult institutions within California; it does not include inmates in fire camps, private or public community correctional facilities, or facilities outside the state.
COUNTIES ARE OFTEN SHORT ON JAIL BEDS AND SERVICE AND PROGRAMMING SPACE

- After an extended period of decline, the jail population is now growing.
  After reaching a high of 84,275 inmates in September 2007, the monthly average daily jail population declined quite steadily to a low of 69,406 in May 2011—a decrease of 17.6 percent, or 14,869 inmates. Since realignment, the jail population has grown by 11,150 inmates, or 15.5 percent, and now stands at 82,930 inmates.

- The county jail systems face capacity challenges.
  As of March 2014, the average daily jail population was about 5,500 inmates higher than the statewide rated jail capacity of around 77,400. Of the state’s 123 facilities, 56 had an average daily population above rated capacity. Additionally, 19 counties were operating under court-ordered population caps. To address these capacity constraints, counties released 13,550 inmates in March 2014, 3,200—or 30 percent—more than in September 2011. Counties also find it challenging to provide services and effective programming in jails that were not designed to house inmates for more than a year. The difficulties are especially acute in older facilities. To address some of these challenges, the state has dedicated $2.2 billion to county jail construction, which will add more than 13,000 jail beds across the state over the next decade.

- Sheriffs use alternatives to incarceration …
  In managing the jail population, California sheriffs use a number of alternatives to incarceration—including electronic monitoring, day reporting centers, community service, and alternative work programs. According to the Bureau of Justice Statistics Annual Survey of Jails, approximately 16 percent of the population supervised by sheriffs was in an alternative to incarceration program in 2012. Realignment provided counties with some additional tools, such as brief periods of incarceration for probation violations and reduced maximum sentences for supervision violations (from 365 to 180 days). Importantly, the reform introduced split sentencing: instead of serving a sentence solely in county jails, an offender is sentenced to a jail term followed by a period of probation. The use of these sentences has increased, but slightly less than one-third of realigned offenders—lower-level felons who now serve time in county jails rather than state prisons—receive a split sentence.

- … and counties are increasingly emphasizing reentry services and programming.
  Most counties report that they are introducing or expanding needs assessment as well as mental health, substance abuse, and cognitive behavioral treatment. Counties are also focused on programs aimed at addressing employment and housing. County budgets reflect this focus on reentry: most counties have allocated the biggest share of their budgets to programming and probation departments.

THE COUNTY JAIL POPULATION IS Approaching Historical Highs

![Graph showing the county jail population approaching historical highs](chart.jpg)

SOURCE: Board of State and Community Corrections (BSCC), Monthly Jail Profile Survey.
NOTE: The statewide rated jail capacity, 77,400 inmates as of March 2014, is set by the BSCC.
Crime rates are at or close to historical lows

- California’s violent crime rate is at its lowest level since 1967.

After increasing slightly in 2012, California’s violent crime rate dropped in 2013, reaching a 46-year low of 397 per 100,000 residents. Since it peaked in 1992, violent crime has declined substantially. Nonetheless, California’s violent crime rate is higher than the national rate of 368 and ranks 18th among all states. In 2013, 59 percent of violent crimes in California were aggravated assaults, 35 percent were robberies, 5 percent were rapes, and 1 percent were homicides.

California has experienced a long-term decline in crime rates

![Graph showing long-term decline in crime rates](source: Author calculation based on Federal Bureau of Investigation’s Uniform Crime Report 1960–2002 and the California Department of Justice’s Criminal Justice Statistics Center, California Crimes and Clearances Files, 2003–2013.)

Note: Violent crime includes homicide, rape, robbery, and aggravated assault; property crime includes burglary, motor vehicle theft, and larceny theft (including non-felonious larceny theft).

- After a noticeable uptick in 2012, the number of property crimes decreased in 2013.

The 2013 property crime rate of 2,665 per 100,000 residents is down 3.9 percent from 2012 and close to the 50-year low of 2,594 reached in 2011. Despite a 6.6 percent increase in 2012, California’s property crime rate remains below the national rate and ranks 27th among all states. Of all reported property crimes in California in 2013, 61 percent were larceny thefts, 23 percent were burglaries, and 16 percent were auto thefts.

- Crime rates vary dramatically by region and category.

The lowest rates of both violent and property crime in 2013 were in the Sierra region (including the small rural counties from Alpine to Inyo) and on the South Coast (which includes Ventura, Orange, and San Diego Counties). Property crime rates in these two regions stood at 2,106 and 2,108 per 100,000 residents, respectively, while violent crime rates were 279 and 265. The state’s highest rates of property and violent crime were in the relatively poor San Joaquin Valley, at 3,658 and 562 per 100,000 residents, respectively. The crime category that varies most widely across regions is robbery: in 2013, the robbery rate in the San Francisco Bay Area (214 per 100,000 residents) was almost nine times higher than the rate in the Sierras (24). The highest auto theft rates were in the San Joaquin Valley (587) and the San Francisco Bay Area (569), while the lowest rates were on the South Coast (281) and in the Sierras (191).
CRIME RATES VARY CONSIDERABLY ACROSS THE STATE

![Maps showing crime rates](maps.png)

<table>
<thead>
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<th>2013 violent crime rate (per 100,000)</th>
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SOURCE: Author calculation based on the California Department of Justice’s Criminal Justice Statistics Center, 2013 California Crimes and Clearances File.
NOTE: Violent crime includes homicide, rape, robbery, and aggravated assault; property crime includes burglary, motor vehicle theft, and larceny theft (including non-felonious larceny theft).

- **Realignment has not led to increases in violent crime but is partially responsible for the increase in property crime.** California’s 2011–12 increase in violent crime does not stand out in comparison to other states: 10 others saw greater increases. Furthermore, PPIC found no convincing evidence that the increase in offenders on the street caused by the reform led to more violent crime. However, property crime—auto theft, in particular—has increased more in California than in most other states; only Montana and North Dakota experienced greater increases. While California’s property crime rates decreased in 2013, they did not drop more than in comparable states; this means that the gap that opened up in 2012 between California and those states has not closed. PPIC estimates that for each offender not incarcerated as a result of realignment there are about 1.2 more property crimes per year.

**LOOKING AHEAD**

Public safety realignment has provided an opportunity to implement new strategies to reduce both reoffending and reliance on incarceration in California. However, many of the issues that led to overcrowding in the state’s expensive prison system remain. Without further sentencing reform, the state’s prisons and jails will continue to be under pressure. The state needs to identify alternative crime prevention strategies and determine how much it needs to invest in capacity so that CDCR and the counties can provide effective corrections and rehabilitative services. Important steps include:

- **Continuing to reduce the prison population.** Despite dramatic decreases, the state institutional prison population remains above the threshold of 137.5 percent of design capacity set by the federal court and the total prison population has even started to increase. In November 2014, voters approved Proposition 47, reclassifying some felony property and drug offenses as misdemeanors. This will reduce both the state prison and county jail populations, but the size of the reductions is not known yet.

- **Providing county jails with adequate beds and facilities.** The state has provided funding for additional jail beds and facilities that will help over the next decade, but projected growth in the state’s overall population will exert future pressure on jail space. In addition, aging facilities complicate the delivery of effective services and programming. Without further jail expansion and/or new policies and practices that reduce incarceration, capacity constraints may be more severe in 2040 than they are today.
Addressing high recidivism rates. Initial analyses do not indicate significant decreases in the state’s high recidivism rates. Progress in this area could relieve pressure on county jails and state prisons. The increased emphasis on evidence-based practices may improve outcomes among released offenders if counties can identify and implement the most effective strategies, and if the state provides adequate funding.

Funding and requiring evaluation. AB 109 did not establish standards or provide funding for measuring outcomes. Without monitoring and evaluation, it will be difficult to assess what California’s most significant justice reform in decades has achieved. The state could decide to fund evaluation, requiring or incentivizing counties to collect relevant data and report to the legislature. Widespread, reliable efforts to evaluate county practices would make it easier to implement the most effective strategies to reduce recidivism.