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California Probation in the Era of Reform



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SUMMARY

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Technical appendices to this paper are available on the PPIC website.

Recent reforms significantly altered the role of probation in California. In 2011, the state enacted public safety realignment, which shifted the management of lower-level felons from state prison and parole to county jail and probation. As part of this effort, realignment tasked probation departments with the supervision of certain offenders who were previously the responsibility of state parole agencies. These and other policy changes have placed considerable demands on local corrections systems.

This report uses newly available data to describe the changing characteristics of individuals under probation supervision in California. Examining data from 12 counties from October 2011 to October 2015, we find:

- **Reforms shifted probation caseloads toward more serious offenders.** Under realignment, the number of new probation cases increased steadily due to the added responsibility of managing two types of realigned offenders: those released from state prison on post-release community supervision and those given “split sentences,” who serve part of their sentence in county jail and then receive mandatory supervision. While Proposition 47 in 2014 caused new felony and misdemeanor probation cases to decline dramatically, it further concentrated the probation caseload on realigned individuals who have committed more serious offenses.
- **Jail bookings are common among the probation population, especially for realigned offenders.** Nearly half (46.7%) of people who started probation supervision were booked into county jail within their first year. Booking rates were highest among realigned offenders. These same individuals were also more likely to enter jail multiple times in the year after they started supervision. Further, realigned offenders stayed in jail custody longer than traditional felony and misdemeanor probation cases.
- **Racial disparities in probation are most evident among African Americans.** African Americans make up 7.9 percent of the general population but were 22.9 percent of those entering probation supervision. Overall, the shares of Latinos and whites under probation supervision were similar to their shares of the general population, while Asian Americans made up a much smaller proportion of new probation cases relative to their share of the population.

These findings demonstrate important changes in the composition of the probation population and reflect a policy shift toward refocusing correctional resources on the most serious offenders. Future research will need to consider the implications of these changes for public safety and the overall cost-effectiveness

of the corrections system. Counties may also need to adopt different policies and practices in response to the changing probation population. Indeed, many counties have expanded their reentry services or are using new tools to identify and prioritize individuals who pose a greater likelihood of reoffending—such efforts may be key to lowering the state’s stubbornly high recidivism rates.

Introduction

Probation provides community-based supervision of individuals convicted of felonies or misdemeanors and has historically been granted by county court judges as an alternative to custody in state prison or county jail. In California, county probation departments are responsible for supervising more people than any other correctional agency in the state combined. In 2015, 390,000 individuals were supervised by county probation departments, 129,000 individuals were housed in state prisons, and 74,000 were in county jails (California Board of State and Community Corrections 2017; California Department of Corrections and Rehabilitation 2017; Chief Probation Officers of California 2017). Another 45,000 individuals were supervised by state parole agencies, which manage people after they are released from state prison (California Department of Corrections and Rehabilitation 2017). Although spending on probation grew from 2011 through 2015, probation supervision remains less costly than prison, jails, and state parole (California State Controller 2017; Martin and Grattet 2015).¹

California's recent corrections reforms created new opportunities and challenges for county probation departments. For example, in 2009, the passage of Senate Bill 678 (SB 678) created financial incentives for counties to lower the number of individuals who violate the terms of their probation and are then incarcerated in state prison. Statewide data show that probation violations resulting in prison incarceration dropped in nearly every county from 2010 onward (Judicial Council of California 2015). Moreover, the bill led to significant changes in how county probation departments do their work by encouraging more agencies to rely on evidence-based supervision practices (Judicial Council of California 2015; Petersilia 2014; Turner, Fain, and Hunt 2015).

In 2011, the state passed public safety realignment (referred to here as realignment), which was designed to address prison overcrowding by shifting incarceration and supervision responsibility for many non-serious, non-violent, and non-sexual offenders from the state prison and parole systems to county sheriffs and probation departments. For example, it delineated two new categories of felons for probation departments to manage in addition to traditional felony and misdemeanor probationers:

- Individuals on post-release community supervision (PRCS) who have been released from state prison and, prior to realignment, would have been supervised by the state parole system (Bird and Grattet 2014). The prison commitment from which these individuals are released must not include a serious or violent offense, and individuals must not meet the California Department of Corrections and Rehabilitation (CDCR) definition of a “high-risk sex offender” or a “mentally disordered offender.” However, over time, PRCS has increasingly included individuals who—though they do not have a serious, violent, or sexual offense in their current prison commitment—have such an offense in their criminal history. If they did not have a serious, violent, or sexual offense in their past, under realignment, they would have been sentenced to county jail rather than state prison.²
- Individuals convicted of felony offenses who were given “split sentences,” meaning they serve a portion of their sentence in jail and the remainder under mandatory supervision by county probation departments. These are individuals whose current and past offenses are non-serious, non-violent, and non-sexual. They

¹ According to the California State Controller, probation operating costs grew by \$372 million (33.6%) from 2011 to 2015. During the same period, operating costs for adult detention (i.e., jail) grew by \$319 million (11.3%) and operating costs for juvenile detention grew by \$50 million (4.8%). These figures do not include capital outlays. By comparison, according to the California Department of Finance, costs for the state correctional system—prisons and parole—increased from \$9.8 billion in financial year 2011–12 to \$12.6 billion in financial year 2015–16 (an increase of 28.5%) (California Department of Finance 2017).

² Previous PPIC work has focused on outcomes for individuals on PRCS. On average, PRCS offenders pose a higher risk of reoffending than individuals released to state parole, especially for drug and property crimes. Although the rates of recidivism remain high for both the PRCS population and parolees, once compositional differences between them are taken into account, those on PRCS have the same or slightly lower rates of rearrest and reconviction as parolees (Lofstrom, Bird, and Martin 2016). Even if individuals on PRCS and parolees have identical recidivism rates going forward, the lower costs of county probation supervision relative to state parole suggest that realignment may have reduced the overall cost of supervising the PRCS segment of the former prison population.

are sentenced to mandatory supervision under California Penal Code 1170(h), which defines a set of felonies that are no longer eligible for state prison sentences under realignment.³ Previously, individuals sentenced to one year or more were eligible to be sent to state prison and subsequently released to state parole. Under realignment, they are required to serve these sentences locally. Prior PPIC research has shown that the use of split sentences has increased slowly over time, with variation across counties (Martin and Grattet 2015).

More recently, in 2014, voters approved Proposition 47 (Prop 47), which required that certain drug and property offenses be charged as misdemeanors (Judicial Council of California 2015). While Prop 47 did help ease population pressure in jails following realignment, it also changed the composition of jails, resulting in a greater share of more serious and longer-term inmates in jail custody (Grattet et al. 2016). Additionally, Prop 47 affected probation caseloads. Soon after the proposition passed, the number of new felony and misdemeanor probation grants dropped by 29 percent compared to the previous quarter. Moreover, because the proposition permits individuals who were under supervision at the time of its passage to petition to be resentenced, the population of individuals under probation supervision dropped by 3 percent (Judicial Council of California 2015).

Understanding how the probation population in California is changing in the wake of realignment and Prop 47—and the challenges faced by probation departments—is critical. However, data on probation are limited. The California Department of Justice captures monthly changes in felony and misdemeanor probation, but not PRCS or mandatory supervision (California Department of Justice 2017). These data show that statewide felony probation caseloads were relatively stable in the first three years under realignment, but they began to decline in size after Prop 47. The Chief Probation Officers of California collected data on probation cases during the first four years of realignment, but the effort was discontinued in 2015 (Chief Probation Officers of California 2015). Other data collected by the Chief Probation Officers of California show growing numbers of PRCS and mandatory supervision cases in 2013 and 2014, while showing declines in all types of caseloads in 2015 under Prop 47 (Chief Probation Officers of California 2017). Moreover, realignment required that these individuals

PPIC–BSCC Multi-County Study

The PPIC–BSCC Multi-County Study (MCS) is a collaborative effort between PPIC and the California Board of State and Community Corrections (BSCC). The MCS was established in the wake of public safety realignment with the goal of bringing together the data needed to rigorously evaluate the statewide effects of this policy reform and identify the most effective recidivism-reduction interventions at the local level. To achieve these goals, the MCS team has worked with 12 counties across the state, as well as with the California Department of Justice (DOJ) and the California Department of Corrections and Rehabilitation (CDCR), to assemble individual-level data capturing the criminal justice population. These data include demographic characteristics, criminal histories, risk and needs assessments, program and service interventions, and recidivism outcomes.

The 12 MCS partner counties include: Alameda, Contra Costa, Humboldt, Fresno, Kern, Los Angeles, Orange, Sacramento, San Bernardino, San Francisco, Shasta, and Stanislaus. Taken together, these counties comprise about two-thirds of the state population and represent the state’s demographic, economic, geographic, and political diversity.

³ For individuals sentenced after January 1, 2015, split sentences were designated as the presumptive sentence under Penal Code §1170(h).

return to jail custody if they violate the terms of their supervision, but there is no statewide source capturing how returns to custody have changed after realignment and Prop 47, or what kind of pressure those returns place on local jail systems.

In this report, we draw on newly available data collected through an ongoing collaboration between PPIC, the California Board of State and Community Corrections (BSCC), and a group of 12 counties chosen to be representative of the state (see textbox).⁴ Data from the PPIC–BSCC Multi-County Study (MCS) include individual-level records of people entering supervision in the post-realignment era, including individuals under PRCS, individuals under mandatory supervision, and individuals on felony or misdemeanor probation.

This report begins by describing changes over time in the number and characteristics of individuals starting local supervision after realignment and Prop 47. Then we examine the extent of jail contact among people under supervision, looking at both the reasons why people under probation and parole supervision were booked into jail and how they contribute to jail population pressure. Next, we examine whether recent policy changes have shaped the demographics of people under probation supervision. Finally, we discuss implications for further research and policy considerations.

Reforms Affected Probation Caseloads

Both the size and composition of the population entering probation supervision have changed after realignment and Prop 47.⁵ Under realignment, new cases grew due to the added responsibility of managing individuals under PRCS and mandatory supervision. Following Prop 47, this trend reversed as the number of new felony and misdemeanor probation cases declined substantially. However, this meant realigned individuals with more serious offense histories began to make up a larger share of new probation cases.

Figure 1 shows new probation cases from October 2011 to October 2015, including the realigned segments—individuals on PRCS and mandatory supervision—as well as the traditional felony and misdemeanor probationers. In the first year of realignment, a high volume of PRCS cases streamed into probation departments in the 12 MCS counties, at an average rate of 2,183 per month or about 28.7 percent of all new probation cases. Initially, this high volume reflected the fact that many of those under PRCS in the first year of realignment were individuals who were released from prison after having had their parole revoked as opposed to being released for the first time on their current commitment. Because realignment mandated that parolees and individuals on PRCS serve revocations in county jails, these supervision violators were no longer entering and exiting prison after having served short revocations.⁶ The result was that by one year into realignment, the vast majority of releases to PRCS were individuals being released after serving court commitments rather than revocations. This explains why, between October 2012 and October 2014, PRCS cases dropped and leveled off, averaging 1,184 per month or about 16.8 percent of new probation cases.

Under realignment, growth in mandatory supervision caseloads occurred more gradually, since such cases result from new convictions and are structured to include time in jail. By October 2012, such cases entered supervision

⁴ Previous PPIC publications describe the strengths and limitations of these data in greater detail (Bird et al. 2016; Grattet et al. 2016; Tafoya et al. 2017).

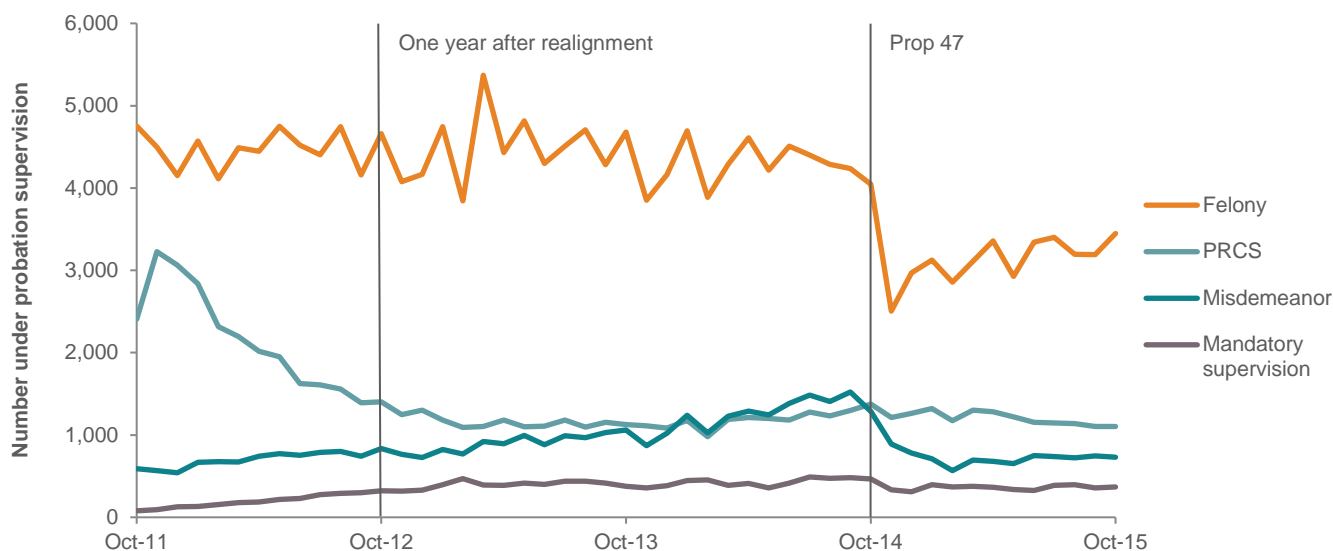
⁵ At present, MCS data are limited to the people entering supervision, which is useful for characterizing how new probation caseloads are influenced by reforms. Future data collection will aim at capturing both new caseloads and the total population.

⁶ Realignment also capped the maximum return time for revocations to 180 days. Prior to realignment, people revoked for parole violations could be returned to custody for up to one year.

at a rate of 321 cases per month or about 4.4 percent of all new probation cases (Figure 1).⁷ As state policy began to encourage split sentencing over time, the mandatory supervision caseload increased. By October 2014, three years after the start of realignment, new mandatory supervision cases had increased to 467 cases per month (a 45.5% increase compared with two years earlier). After Prop 47 took effect in November 2014, the number of new mandatory supervision cases declined. The decreases may be the result of a decline in enforcement for Prop 47 offenses, a share of which would have been likely candidates for a split sentence (Bird et al. 2016).

FIGURE 1

The number of individuals starting felony or misdemeanor probation decreased after Prop 47



SOURCE: Author calculations based on the BSCC–PPIC Multi-County Study data (2011–2015).

NOTES: This chart includes data from the following counties: Alameda, Contra Costa, Fresno, Humboldt, Kern, Los Angeles, Orange, Sacramento, San Bernardino, San Francisco, Shasta, and Stanislaus. Contra Costa, Kern, and Shasta Counties do not have data for misdemeanor cases.

Did reforms affect the traditional felony and misdemeanor probation caseloads? Figure 1 shows that the number of felons starting probation was relatively stable in the first three years after realignment took effect, but it does appear to have declined after Proposition 47.⁸ For a specific set of lower-level offenses, Prop 47 limited the charge level to misdemeanor. Prior to Prop 47, defendants charged with these offenses could have faced multi-year felony sentences. Now, those eligible under Prop 47 face misdemeanor charges, which carry a maximum incarceration term of one year in jail.⁹ From the beginning of realignment to the month before Prop 47 was passed, new felony probation cases in the MCS counties averaged 4,415 per month (61.4% of all new probation cases). In the year after Prop 47, new felony probation caseloads dropped to an average of 3,119 per month and their share of all new probation cases declined to 57.6 percent.¹⁰ Somewhat surprisingly, however,

⁷ One contributing factor may have been a reluctance among local courts to give split sentences in the early phase of realignment. In 2015, in response to the low utilization of split sentences in some counties, the legislature approved a measure that defined split sentences as the presumptive sentence in eligible cases (Martin and Grattet 2015).

⁸ MCS data discussed in this section are based upon new probation cases of supervision “starts,” referring to the moment when individuals are received by probation and commence their supervision.

⁹ Under Prop 47, individuals with prior convictions for murder, rape, certain sex offenses, and certain gun crimes are not eligible.

¹⁰ Not all MCS counties have a misdemeanor probation caseload. In those counties that do, misdemeanor probation involves minimal supervision. In those counties, we observe an overall increase in new misdemeanor probation cases during the first three years after realignment and a decline after Prop 47. However, these trends vary across counties, and the drivers behind these changes in new misdemeanor probation cases are not entirely clear. One possible explanation is that misdemeanor

new misdemeanor probation cases also declined in the wake of Prop 47. These declines in both felony and misdemeanor caseloads suggest an overall reduction in enforcement over Prop 47 offenses.

People under Probation Supervision Often Enter Jail

In addition to having more serious offense histories, realigned individuals under probation supervision also have higher rates of returning to jail custody and higher rates of returning to jail multiple times within a year of starting supervision, compared to traditional felony and misdemeanor probationers.¹¹ Overall, a large share of individuals under probation supervision are prone to engaging in behavior serious enough to result in a jail booking, and for a large segment of them, that behavior includes an allegation of a felony offense. Individuals on mandatory supervision have the highest rate of felony bookings, whereas individuals on PRCS have the highest rate of supervision violations.¹² These findings suggest that realigned offenders who were added to probation caseloads may be more challenging to manage compared to traditional probation caseloads.

The MCS data allow us to investigate the frequency at which people under supervision by probation departments enter jail (i.e., are booked into jail for an alleged crime or violation of their conditions of supervision) within their first year in the community.¹³ Additionally, booking data indicate the kinds of charges that brought the individual into custody. Because people can be on multiple caseloads, we classify individuals by their most serious caseload type, with PRCS classified as the most serious followed by mandatory supervision, felony, and misdemeanor.¹⁴ Also, because bookings into jail can occur for multiple crimes or violations, we classify bookings based on the most serious crime or violation, as defined by the California Department of Justice (Tafoya et al. 2017).

Among those starting probation supervision between October 2011 and September 2014, 46.7 percent were subsequently booked into jail custody within one year. The realigned segments of the population have the highest rates of jail bookings, with 53.0 percent of the mandatory supervision population and 50.7 percent of the PRCS population booked into jail within one year of starting probation (Figure 2).

People under probation supervision often enter jail custody more than once in a given year. Among the full probation population, 20.4 percent were booked into jail two or more times, 9.3 percent were booked three or more times, and 4.4 percent were booked four or more times during their first year under supervision. Realigned individuals on mandatory supervision or PRCS were more likely to have multiple bookings within a year. During the first year of supervision, 26.9 percent of the mandatory supervision population and 26.7 percent of the PRCS population were booked two or more times, compared with 17.6 percent of felony probationers and 19.6 percent of misdemeanor probationers. These trends also hold for individuals who were booked more than two times during their first year of supervision (Figure 3).

probation is used in response to jail population pressure—as jail population pressure increased under realignment, misdemeanor probation caseloads increased, and as jail population pressure decreased under Prop 47, new misdemeanor probation cases also declined.

¹¹ It is important to acknowledge that, as with recidivism research more generally, it is difficult to know whether bookings are the result of offender behavior or the way the supervising agency responds to that behavior (Bird and Grattet 2016). As such, bookings should not be understood solely as resulting from the behavior of the individual involved.

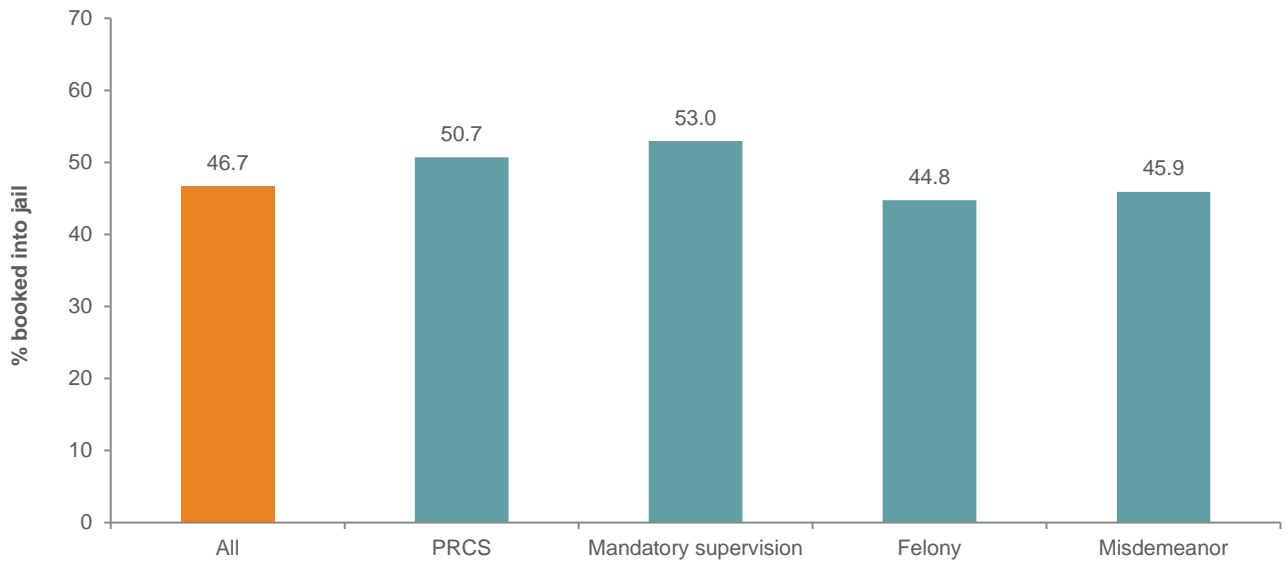
¹² Felony probationers also have a high rate of being booked for a felony offense (32.8%), which suggests that probation departments face considerable challenges with their traditional caseloads as well.

¹³ It should be noted that MCS data only allow us to detect bookings into the county jail of the county in which the person is under supervision. It is possible that an offender would be booked into a jail in a neighboring county or another state. Such instances would not be counted in the rates reported here.

¹⁴ This ranking of caseload types is modeled after the Chief Probation Officers of California caseload hierarchy, which is used in its statistical reporting. This ranking prevents us from counting a single booking event multiple times in cases where individuals are serving multiple probation grants.

FIGURE 2

Individuals on PRCS or mandatory supervision are more likely to be booked into jail

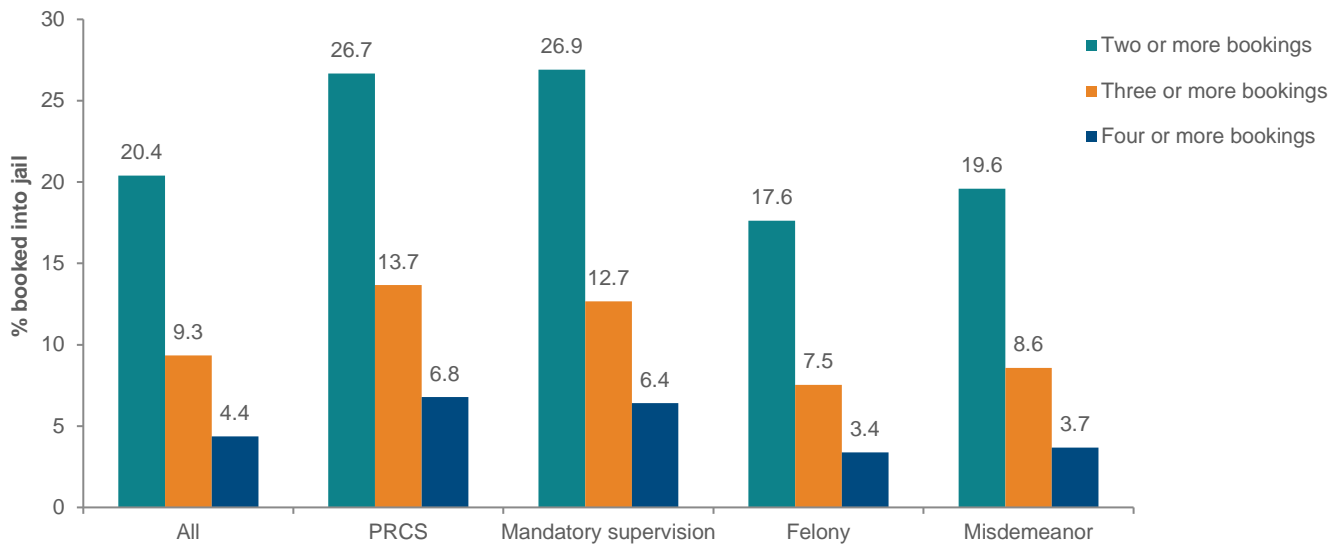


SOURCE: Author calculations based on the BSCC–PPIC Multi-County Study data (2011–2015).

NOTES: This chart includes data from the following counties: Alameda, Contra Costa, Fresno, Humboldt, Kern, Los Angeles, Orange, Sacramento, San Bernardino, San Francisco, Shasta, and Stanislaus.

FIGURE 3

Individuals on PRCS or mandatory supervision are more likely to be booked into jail multiple times



SOURCE: Author calculations based on the BSCC–PPIC Multi-County Study data (2011–2015).

NOTES: This chart includes data from the following counties: Alameda, Contra Costa, Fresno, Humboldt, Kern, Los Angeles, Orange, Sacramento, San Bernardino, San Francisco, Shasta, and Stanislaus.

In addition to analyzing the number of jail bookings, we also categorize the most serious offense of the first jail booking, with felony as the most serious, followed by misdemeanor, supervision violation, flash incarceration, and infraction/other. Flash incarceration, another tool introduced by realignment, gives county probation departments an intermediate sanction for individuals on PRCS.¹⁵ Instead of revoking supervision or charging violators with new crimes, a department can sentence them to county jail for a short period, ranging from one to ten days.

While less than half (46.7%) of the probation population was booked into jail during the first year of supervision, 27.5 percent were booked for felony offenses. As shown in Table 1, 10.0 percent of individuals under probation supervision were booked for misdemeanors and 5.7 percent for supervision violations.¹⁶ Thus, not only were jail entries common, they included a large share of the most serious kinds of offenses (i.e., felonies).

The seriousness of the first booking also varies across caseload types. At the high end, 42.0 percent of individuals under mandatory supervision and 32.8 percent of felony probationers were booked on felonies for their first offense under supervision. Individuals on PRCS had lower rates of felony booking (14.1%) but very high rates of supervision violations and flash incarceration relative to individuals on other caseload types. Under realignment, those on PRCS are eligible to be sanctioned with either short custody terms (up to 10 days) under flash incarceration or longer terms (up to 180 days) under revocations. This structure likely led to the high levels of supervision violations among the PRCS population relative to individuals under mandatory supervision or felony probation.

TABLE 1

Individuals under probation supervision are more likely to be booked for felonies than other offenses

Booking offense	Felony	Misdemeanor	Supervision violation	Flash incarceration	Infraction/Other
Caseload type					
All	27.5%	10.0%	5.7%	3.3%	0.4%
PRCS	14.1%	9.3%	13.1%	13.7%	0.5%
Mandatory supervision	42.0%	7.9%	2.7%	0.1%	0.3%
Felony	32.8%	8.3%	3.3%	0.0%	0.4%
Misdemeanor	19.2%	21.4%	4.9%	0.0%	0.4%

SOURCE: Author calculations based on the BSCC–PPIC Multi-County Study data (2011–2015).

NOTES: “Booking offense” refers to the most serious offense in the first jail booking for individuals under probation supervision, within the first year after starting supervision. Categories are based on the charge level of the most serious offense, which is determined by the rank of that offense in the California Department of Justice seriousness hierarchy. The most serious charges associated with a supervision violation or flash incarceration are placed in their own categories. A portion of individuals under mandatory supervision have flash incarceration as their first jail booking. Because flash incarceration can be used on parolees, these individuals could be under parole supervision. This table includes data from the following counties: Alameda, Contra Costa, Fresno, Humboldt, Kern, Los Angeles, Orange, Sacramento, San Bernardino, San Francisco, Shasta, and Stanislaus.

¹⁵ SB 266 extended the use of flash incarceration to mandatory supervision cases. However, it was signed into law in 2016, after the time frame of the data used in this report.

¹⁶ For those with multiple jail bookings, we use the first booking during the one-year period.

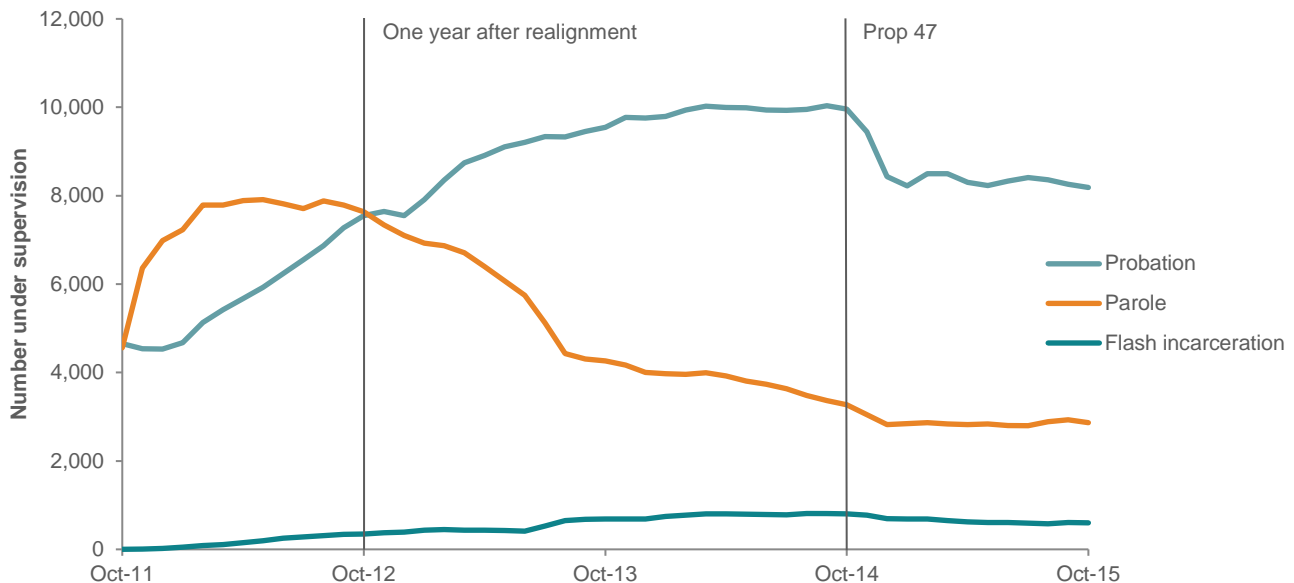
One in Four People in Jail Come from Community Supervision

Bookings into jail among people under supervision compound population pressure on local jails, although this pressure has eased somewhat in the aftermath of Prop 47. Below we compile MCS jail data using average daily population (ADP) characteristics and length of stay (LOS), two important measures of jail bed utilization in local facilities. When we consider both individuals under county probation supervision and individuals under state parole supervision, roughly one in four people in jail on any given day were under supervision at the time of booking. However, the composition of this population has changed over time.

During the first year of realignment, the share of the jail population that entered while on parole or probation grew. Afterward, however, the share of the jail population entering while under probation supervision continued to increase while the share entering while under parole supervision declined. Whereas at the beginning of realignment, parolees made up a larger share of the jail population, by January 2013, people under probation supervision surpassed them. The parolee share of the jail population continued to drop in the following months, leveling off after Prop 47. Meanwhile, the share of individuals under probation supervision increased until Prop 47 and then decreased by about 1,500 inmates, leveling off afterward (Figure 4). Flash incarceration, which is associated with relatively short jail stays, makes up the smallest share of the supervised population in jails. This share increased during the first three years under realignment, reaching its peak in August 2014, although it declined somewhat in the wake of Prop 47. These patterns point to the increasing burden of people under probation supervision on jails and the decrease in the burden of parolees.

FIGURE 4

Individuals under probation supervision make up an increasing share of the jail population

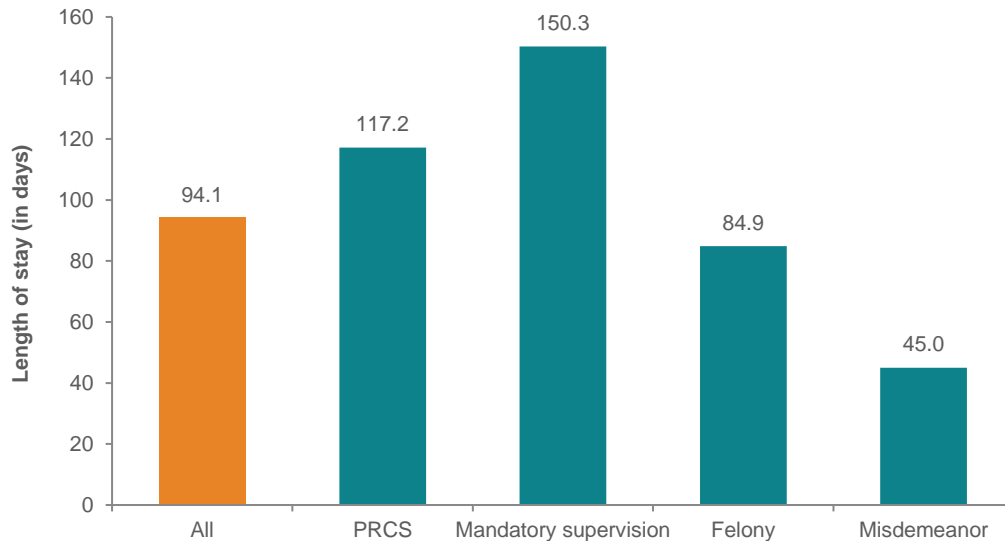


SOURCE: Author calculations based on the BSCC–PPIC Multi-County Study data (2011–2015).

NOTES: This chart includes data from the following counties: Alameda, Contra Costa, Fresno, Humboldt, Kern, Los Angeles, Orange, Sacramento, San Bernardino, San Francisco, Shasta, and Stanislaus.

To further gauge the burden of probation populations on jails, we also examine how long people under supervision stay in custody. Figure 5 shows the length of stay in terms of the number of days in custody within the first three years after starting supervision.¹⁷ Individuals booked into jail while on PRCS or mandatory supervision had considerably longer stays in custody, on average, than traditional felony and misdemeanor probationers. These findings further confirm that realigned populations are placing more demands on local correctional systems than felony and misdemeanor probationers.

FIGURE 5
Individuals on PRCS or mandatory supervision spend more days in custody



SOURCE: Author calculations based on the BSCC–PPIC Multi-County Study data (2011–2015).

NOTES: This chart shows the average number of days in custody within the first three years of starting supervision. The trends are similar for the one-year and two-year windows in which mandatory supervision and PRCS caseloads spend more time in custody. The three-year window above gives a more comprehensive picture of people’s jail contact under supervision. This chart includes data from the following counties: Alameda, Contra Costa, Fresno, Humboldt, Kern, Los Angeles, Orange, Sacramento, San Bernardino, San Francisco, Shasta, and Stanislaus.

Demographics Have Been Stable

Despite the changing policy environment, the demographic composition of people entering probation supervision does not appear to have changed much. As is the case in other parts of the criminal justice system, African Americans are overrepresented among people under probation supervision. This was also true prior to realignment. Despite making up only 7.9 percent of the population in the MCS counties, African Americans make up 22.9 percent of new probation cases from October 2011 to October 2015.¹⁸ In contrast, Asian Americans make up only 2.9 percent of the probation population, though they comprise 16.0 percent of the overall population in the MCS counties. The shares of Latinos and whites in the probation population are similar to their shares in the overall population (Figure 6).

¹⁷ These data sum all custody stays for individuals within a three-year period after starting supervision. The same patterns are evident when shorter periods of time are used.

¹⁸ These demographic findings are based on new probation caseloads rather than the entire probation population.

FIGURE 6

African Americans are disproportionately represented in new probation cases



SOURCE: Author calculations based on the BSCC–PPIC Multi-County Study data (2011–2015). “MCS county population” is based on Census data.

NOTES: This chart includes data from the following counties: Alameda, Contra Costa, Fresno, Humboldt, Kern, Los Angeles, Orange, Sacramento, San Bernardino, San Francisco, Shasta, and Stanislaus.

There are important differences in the degree of overrepresentation of African Americans across different caseload types (see [technical appendix Figure A1](#)). African Americans represent 15.6 percent of those starting probation under mandatory supervision and 22.9 percent of those starting felony probation. But the percentage of African Americans starting probation under PRCS was much higher (29.2%), which reflects that the prison population (and therefore prison releases) is somewhat more likely to be African American (CDCR 2016). These differences across caseload types drove variation in the racial/ethnic composition of people under probation supervision over time. In the first year after realignment, when a large group of people were released to PRCS, the share of African Americans starting probation supervision was higher. After 2012, as the number of individuals starting probation under PRCS began to decrease, the percentage of African Americans starting probation supervision dropped and stabilized, hovering around 22 percent of all those who started probation.

Across all caseloads types, 11.5 percent of individuals starting probation were under age 21, 32.9 percent were age 22–30, 26.8 percent were age 31–40, and 28.9 percent were age 40 or older. However, individuals on more serious caseloads, namely PRCS and mandatory supervision, tended to be older, with 36.4 percent of individuals starting PRCS and 30.3 percent of those starting mandatory supervision age 40 or older. By comparison, only 26.4 percent of individuals starting felony probation and 27.6 percent of those starting misdemeanor probation were age 40 or older. From 2011 to 2015, the share of new probation cases for individuals age 40 or older decreased while the share of new probation cases for individuals age 22–40 increased slightly.

The vast majority (79.9%) of individuals starting probation were male. While men comprised the majority of every caseload type, this gender difference was most dramatic among the PRCS population, of whom only one in ten were female. This difference reflects the fact that women make up a much lower share of the prison population and of prison releases. The gender distribution in the probation population remained stable until Proposition 47, after which the share of men grew slightly.

Conclusion

Taken together, realignment and Prop 47 increased the seriousness of offenders under probation supervision. Realignment added two types of offenders—those under post-release community supervision and those under mandatory supervision—who were previously the responsibility of the state prison and parole system and who tend to be convicted of more serious offenses. In the three years following realignment, these populations increased as a share of all new probation cases. Following the passage of Prop 47, new misdemeanor and felony probation cases—the traditional purview of county probation departments—declined. As a result, the share of the total probation caseload under PRCS or mandatory supervision rose relative to the traditional caseload types.

Once under supervision, realigned offenders on PRCS or mandatory supervision were booked into jail more frequently than felony and misdemeanor probationers. Individuals on PRCS or mandatory supervision were also more likely to be booked into jail multiple times within a year after starting supervision, and the amount of time they stayed in jail custody was longer compared to felony and misdemeanor probationers. These findings document a significant shift in the role of county jails and probation departments.

More research is necessary to provide a comprehensive picture of the impact of California’s criminal justice reforms and to offer guidance for policies and practices going forward. First, we need to understand more fully how the recidivism patterns of offenders managed locally are changing under realignment, which would include a comparison of outcomes for individuals released to parole before realignment and those managed by probation after realignment. Second, we need to see how new strategies that provide a measure of punishment but with less reliance on custody, such as flash incarceration and split sentencing, are being deployed across the state and their effects on recidivism. Third, we need to continue to identify and highlight evidence-based programmatic interventions that show promise in reducing recidivism. Future research conducted as part of the PPIC–BSCC Multi-County Study will help the state assess the performance of community correctional institutions in ways that have not previously been possible. In doing so, it will shed light on these critical issues.

In terms of policy considerations, improving reentry services in probation is an ongoing challenge. As the probation population becomes higher risk, the need for recidivism-reduction strategies increases. Fortunately, there is considerable evidence indicating that probation departments across the state have expanded their use of evidence-based practices to reduce recidivism (Judicial Council of California 2015; Turner, Fain, and Hunt 2015). These changes include the use of risk and needs assessments to identify the sources of an individual’s criminal behavior and to prioritize the segment of the supervised population that poses the greatest likelihood of reoffending.

With resources from SB 678 and realignment, counties have also expanded or created new reentry opportunities, commonly in the form of day reporting centers. These “one-stop” centers allow people under supervision to access job training, education, life skills, and other kinds of programs that aim to reduce recidivism. Whether the resources provided are sufficient to cover the costs of these new programs—and whether there is enough program capacity and qualified staff within a given county—are persistent concerns. Additional grant funding resulting from the cost savings of no longer housing Prop 47 offenders in prison may also allow counties to further expand and experiment with reentry services. Current rates of return to custody suggest there is substantial room for improvement in reentry outcomes, and these kinds of need- and risk-based interventions may be the key to reducing crime and recidivism.

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