County Jails Are Under Pressure

- Jails were already facing capacity constraints when realignment began.
- Declines in prison population not matched by increases in jail population.
  - In first three months, for every three felons no longer sent to prison, jail population increased by one inmate.
- Initial response to capacity constraints: reductions in the unsentenced inmate population.
Outline

- Background
- Initial post-realignment observations
- County jails before realignment
- Capacity and constraints
- Conclusions
Corrections Realignment Presents New Challenges to Counties

- Responsibilities shifted from state to counties
  - Lower-level felons now go to county jails
  - Technical parole violators no longer sent back to state prison
  - Counties now supervise lower-level felons released from prison (PRCS)

- Implementation was rapid
  - Prison population decreased nearly 12,800 in first three months
Prison overcrowding brought legal challenges
- Three-judge panel mandated reductions to 137.5% of design capacity (2009)
- Ruling upheld in the Supreme Court (2011)

Other contributing factors:
- High and increasing cost of corrections and rehabilitations
- Belief that counties can more effectively handle lower-risk felons
Outline

- Background
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The Prison Population Declined Quickly

Total prison population, January 1, 2011–September 12, 2012

Before realignment

After realignment
The Jail Population Began to Rise...
The Jail Population Began to Rise...
...But Increase in Jails Much Smaller than Decrease in Prisons

Jails’ ADP increases by about one inmate for every three felons no longer in prison

<table>
<thead>
<tr>
<th></th>
<th>Quarterly change (September to December)</th>
<th>Approximate change due to realignment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Q4 2010</td>
<td>Q4 2011</td>
</tr>
<tr>
<td>State prison population</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>-1,681</td>
<td>-12,797</td>
</tr>
<tr>
<td>County jail population</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total ADP</td>
<td>-3,653</td>
<td>359</td>
</tr>
</tbody>
</table>
Smaller Increase Realized by Reducing Unsentenced Population

<table>
<thead>
<tr>
<th></th>
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<td></td>
</tr>
<tr>
<td>Total ADP</td>
<td>-3,653</td>
<td>359</td>
</tr>
<tr>
<td>Sentenced ADP</td>
<td>-3,216</td>
<td>4,098</td>
</tr>
<tr>
<td>Unsentenced ADP</td>
<td>-436</td>
<td>-3,741</td>
</tr>
</tbody>
</table>
Population of Sentenced Inmates Increased, Unsentenced Decreased

- Sentenced population increased by about 7,300 inmates
  - Close to the 7,174 newly sentenced realignment offenders reported by CPOC
  - Does not include technical parole violators

- Technical parole violators more likely to be counted among unsentenced population, which declined by 3,300
  - These violators may now spend less time, if any, behind bars
Outline

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Useful to Analyze Jails in the Year Before Realignment

- Provides context for challenges ahead
- Three key areas
  - Incarcerated numbers and rates
  - Composition
  - Capacity
- Data from October 2010-September 2011
# Large Counties Housed Most Inmates

<table>
<thead>
<tr>
<th></th>
<th>ADP</th>
<th>Share of Total Statewide ADP</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Statewide</strong></td>
<td>71,060</td>
<td>100%</td>
</tr>
<tr>
<td><strong>Largest jail populations</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Los Angeles</td>
<td>14,585</td>
<td>20.5%</td>
</tr>
<tr>
<td>Orange County</td>
<td>5,736</td>
<td>8.1%</td>
</tr>
<tr>
<td>San Bernardino</td>
<td>5,373</td>
<td>7.6%</td>
</tr>
<tr>
<td><strong>Smallest jail populations</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mono</td>
<td>28</td>
<td>0.04%</td>
</tr>
<tr>
<td>Modoc</td>
<td>20</td>
<td>0.03%</td>
</tr>
<tr>
<td>Sierra</td>
<td>6</td>
<td>0.01%</td>
</tr>
</tbody>
</table>
Incarceration Rates Varied Widely across Counties

<table>
<thead>
<tr>
<th></th>
<th>ADP per 100,000 residents</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Statewide</strong></td>
<td>159</td>
</tr>
<tr>
<td><strong>Highest rates</strong></td>
<td></td>
</tr>
<tr>
<td>Del Norte</td>
<td>392</td>
</tr>
<tr>
<td>Inyo</td>
<td>392</td>
</tr>
<tr>
<td>Yuba</td>
<td>546</td>
</tr>
<tr>
<td><strong>Lowest rates</strong></td>
<td></td>
</tr>
<tr>
<td>Marin</td>
<td>115</td>
</tr>
<tr>
<td>Shasta</td>
<td>129</td>
</tr>
<tr>
<td>San Mateo</td>
<td>137</td>
</tr>
</tbody>
</table>
Most Inmates Were Unsentenced

Unsentenced inmates

<table>
<thead>
<tr>
<th></th>
<th>Statewide</th>
<th>Trinity</th>
<th>Plumas</th>
<th>Inyo</th>
<th>Contra Costa</th>
<th>Fresno</th>
<th>Yuba</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lowest percentage</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Highest percentage</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

Trinity Plumas Inyo Costa Fresno Yuba

Statewide lowest percentage highest percentage
A Majority Were Felons

Statewide: Felony inmates 80%

Santa Cruz, Sierra, Tehama: Felony inmates 30%

Yolo, Fresno, San Francisco: Felony inmates 100%
Outline

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Even Before Realignment, Jails Faced Capacity Concerns

- Rated jail capacity was 75,987
  - ADP was 71,060
- Still, many counties faced capacity issues
  - 17 were operating under court orders limiting the number of inmates
  - These included Los Angeles, San Diego, Riverside, San Bernardino, Sacramento, Fresno, and Kern
Many Operated Close to or Above Capacity
Challenging to Measure Capacity Constraints Accurately

- Statewide, county jail ADP was at 93% of rated capacity
  - But populations vary daily and seasonally
- Monthly highest one-day count was 102.5%
  - But inmates booked are not perfectly matched to type of beds available
  - And some counties released inmates due to housing constraints
    - On average, 6,800 pre-trial and 3,900 sentenced monthly releases
Building More Capacity Is One Option...

- Recent legislation provides funding
  - AB 900 created $1.2 billion in state matching funds for county jail expansions
    - 18 counties have received conditional awards
    - Total planned gain of 9,222 jail beds
  - SB 1022 made an additional $500 million available

- Still, a costly option
  - Construction accounts for less than 10% of total lifetime cost of a jail
...Pursuing Other Options Without Risking Public Safety Is Important

- Release pretrial inmates who cannot make bail
  - Use risk assessment, possibly maintain supervision
- Lower the bail schedule
- Enforce alternative sanctions, including;
  - Day reporting centers, substance abuse treatment, or home detention with electronic monitoring
- Continue early release
Outline

- Background
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Conclusions

- Rapid and substantial decrease in prison population in first few months of realignment
  - Approximately 11,100 due to realignment
- Increase smaller than decrease in jail population
  - About 4,000
- For every three prisoners no longer housed in state prison, jail population increased by one
Conclusions

- Jails faced serious capacity constraints before realignment
  - New responsibilities add pressure
- Incarceration is costly, alternative approaches needed
- Initial approach appears to include reductions in the unsentenced population
  - Some spending less, or no, time behind bars
- Consequences are important to track
  - Public safety a concern
Capacity Challenges in California’s Jails

Magnus Lofstrom, Katherine Kramer

September 2012
Notes on the use of these slides

These slides were created to accompany a presentation. They do not include full documentation of sources, data samples, methods, and interpretations. To avoid misinterpretations, please contact:

Magnus Lofstrom: 415-291-4454, lofstrom@ppic.org

Thank you for your interest in this work.