

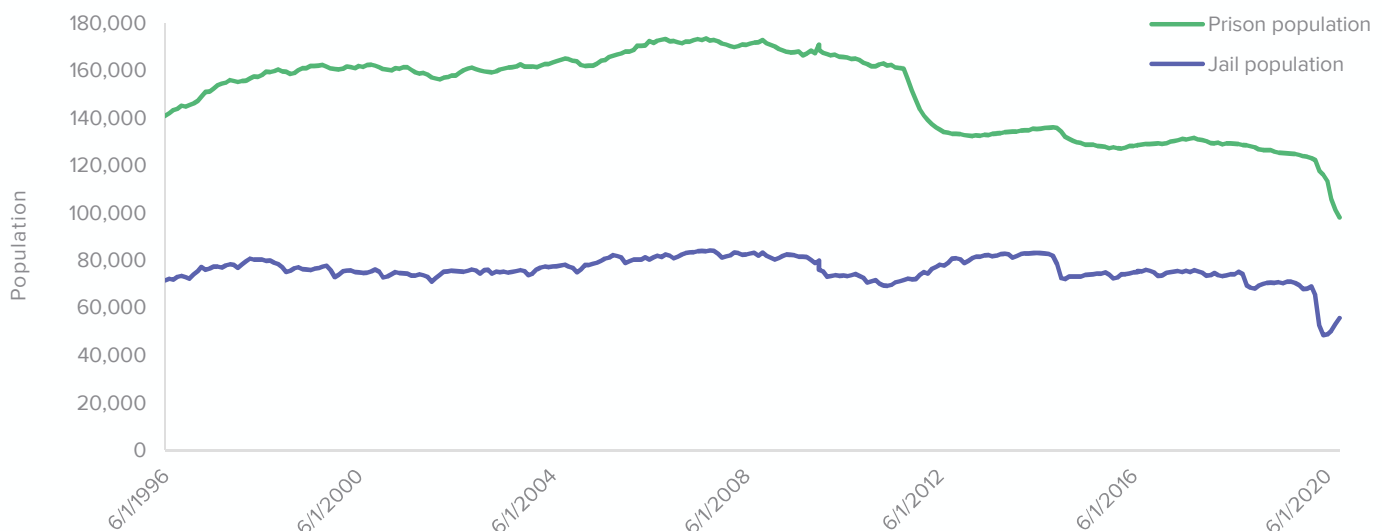
Criminal Justice

JANUARY 2021

The COVID-19 pandemic has accelerated California's recent efforts to reduce incarceration. Along with widespread protest after the killing of George Floyd, the pandemic has intensified discussions about policing reforms.

- ▶ As of December 2020, the state prison population was about 97,000, with about 92,000 inmates housed across 35 institutions. In 2019, California's prison incarceration rate was 310 per 100,000 residents, well below the national average of 371. State spending on the prison system in 2020–21 is expected to be \$13.4 billion, the highest amount in the nation and almost 10% of California's General Fund expenditures.
- ▶ The state parole system supervises inmates after they are released from state prison. As of December 2020, more than 55,000 individuals were under state parole supervision. Another 200,000 individuals were under supervision by county probation departments. Almost all counties run their own county jail systems. There were about 56,000 county jail inmates across the state as of September 2020.
- ▶ Statewide, law enforcement agencies employ more than 121,000 individuals; nearly 80,000 are sworn officers (able to make arrests); 48% of sworn officers work for police departments, 39% for sheriff departments, and the remaining 13% work for the California Highway Patrol and other agencies (such as UC and CSU campus police and BART).
- ▶ Some types of crime have increased during the pandemic, but in recent years overall crime rates have been near historic lows. In 2019, California's property crime rate—which includes larceny, burglary, and motor vehicle thefts—reached its lowest level since 1960; the violent crime rate (homicide, rape, robbery, and aggravated assault) was roughly in line with rates in the late 1960s.
- ▶ California's rearrest and reconviction rates remain among the highest in the nation. The most recent three-year rearrest rate—for inmates released from prison between July 1, 2014 and June 30, 2015—was 69.5%, and the most recent three-year reconviction rate was 46.5%.
- ▶ Racial/ethnic disparities in criminal justice outcomes in California—from **arrests** to **incarceration** and **correctional supervision**—have been well documented. Californians' perceptions of police treatment and race relations have shifted—dramatically, in some cases—in the wake of nationwide protests over police brutality and systemic racism. But these changes are far from uniform and reflect deep cleavages in public opinion.

CALIFORNIA'S PRISON AND JAIL POPULATIONS HAVE DECLINED SUBSTANTIALLY



SOURCE: California Department of Corrections and Rehabilitation (CDCR) monthly population reports and Board of State and Community Corrections (BSCC) monthly jail population surveys.

NOTE: The total prison population includes inmates in fire camps, community correctional facilities, and facilities outside California.

COVID-19 has further reduced incarceration, and overall crime rates remain relatively low

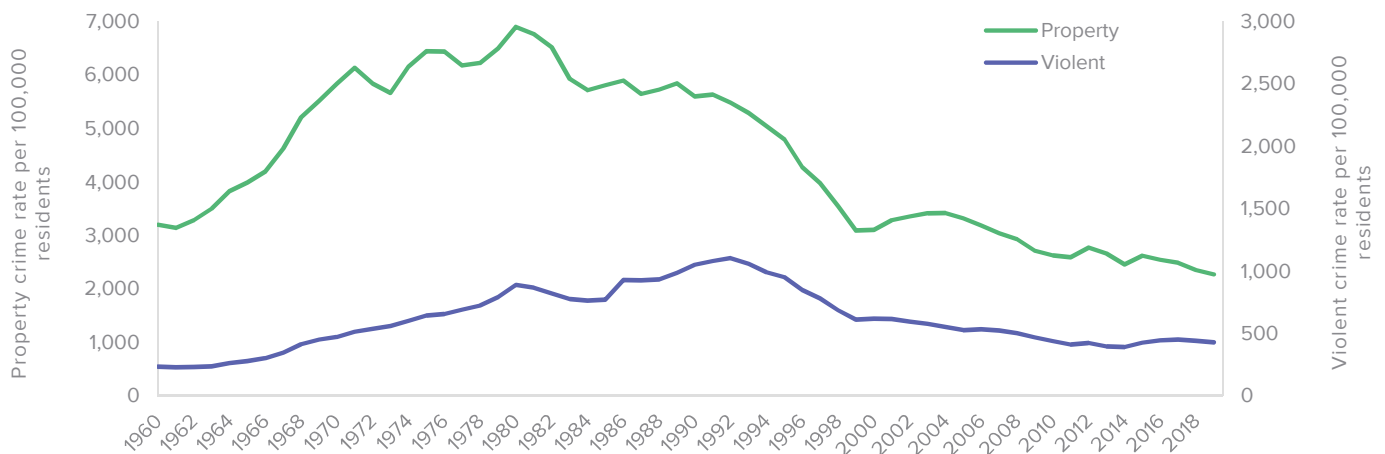
COVID-19 continued the downward trend in the prison population. By early December 2020, the state prison population had dropped by 26,200, or about 21%, compared to February. County jail populations dropped by 13,500, or almost 19%, between February and September (latest data available). Since reaching a peak in 2006, the state’s prison and jail populations have dropped from about 256,000 to 157,400 in September 2020, a decrease of 38.5%.

Overall crime rates remain low but some types of crime increased during the pandemic. Reported property and violent crimes dropped by about 23% and 16%, respectively, in four of California’s major cities—Los Angeles, Oakland, San Diego, and San Francisco—at the beginning of the pandemic. The overall property crime rate then plateaued, while violent crime gradually returned to early 2020 levels. Reports of robberies and rapes in these cities dropped by about 20%, but assaults rose about 5% and homicides increased by about 30%. And while larcenies dropped about 39% and residential burglaries fell roughly 11%, motor vehicle theft rose by about 22%, and commercial burglaries went up by 19%.

Criminal justice reforms have narrowed some racial disparities. Proposition 47, which reclassified a number of drug and property offenses from felonies to misdemeanors in 2014, led to a 10% decrease in bookings and an 8% decrease in the African American–white bookings gap over the next two years. Notably, these gaps in arrest and booking rates for drug felonies decreased by about 36% and 55%, respectively. Prop 47 did not meaningfully change disparities in arrest and booking rates between Latinos and whites, which remain much smaller than the African American–white gaps.

Criminal justice programs and services continue to expand. Proposition 47 has shifted some funding to evidence-based programs to reduce recidivism and incarceration. In the first five years, over \$350 million was redirected to mental health and substance abuse programs, K–12 education, and services for crime victims. The first 23 grants awarded by the Board of State and Community Corrections will end in 2021.

STATEWIDE VIOLENT AND PROPERTY CRIME RATES ARE AT OR NEAR TO HISTORIC LOWS



SOURCE: Author calculations based on FBI Uniform Crime Report, 1960–2002 and the California Department of Justice’s Criminal Justice Statistics Center, California Crimes and Clearances Files, 2003–19.

NOTE: Violent crime includes homicide, rape, robbery, and aggravated assault. Property crime includes burglary, motor vehicle theft, and larceny theft (including nonfelonious larceny theft).

California voters rejected a pretrial reform law and declined to reverse an earlier sentencing reform. Voters rejected Proposition 25, overturning legislation that would have replaced money bail with assessments of public safety and flight risk. Voters also restored voting rights to parolees and rejected Prop 20, signaling limited interest in reversing California’s efforts over the last decade to lower penalties for some offenses and move toward alternatives to incarceration.

Inequities persist in California's criminal justice system

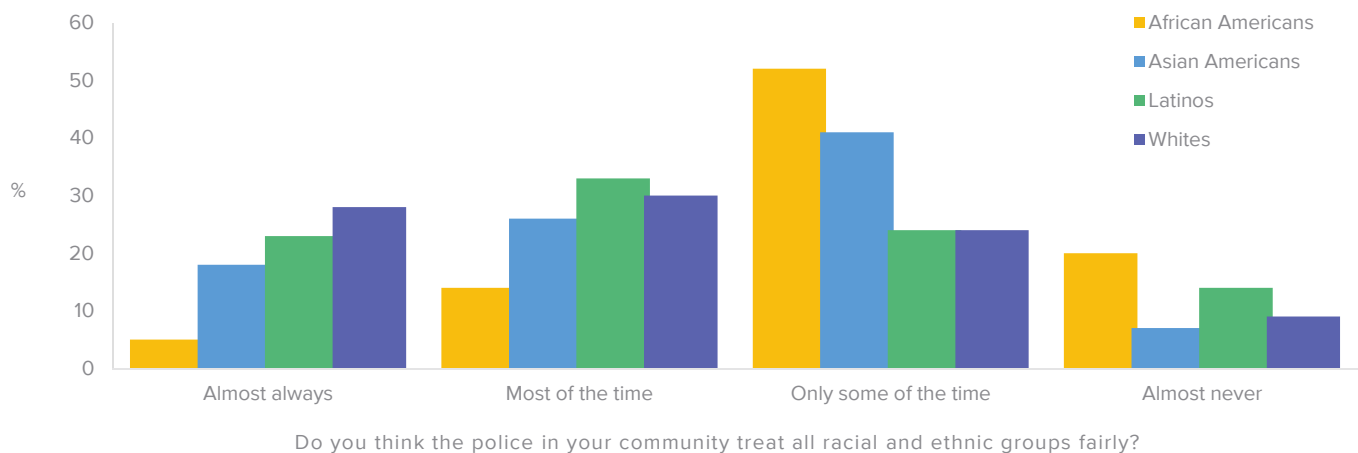
Racial inequities throughout the criminal justice process are increasingly stark. Despite California's relatively small Black population (6%), about 15% of all stops made by the state's eight largest law enforcement agencies are of African Americans. Roughly 16% of all arrests are of African Americans, and African Americans account for 25% of the jail population, 26% of the state's probation population, and about 29% of the prison population.

Preventing the spread of COVID-19 in prisons and jails has been challenging. Outbreaks at San Quentin and elsewhere highlighted crowded prisons and jails. Despite a drop in inmate populations, most prisons remained far above the 50% level recommended by public health experts, and about one-third of California's 35 prisons were more than 25% over capacity—in part because **91% of prisoners have serious or violent convictions**, which can preclude early release. While **about half of county jail populations dipped under 50% of rated capacity** at the beginning of the pandemic, only 11 counties had populations below 50% as of October 2020.

Racial disparities in incarceration remain significant. Recent reforms have narrowed—but far from eliminated—disparities in incarceration rates between African Americans and whites. The prison incarceration rate for Black men is 4,180 per 100,000. White men are imprisoned at a rate of 420 per 100,000, and imprisonment rates for Latino men and men of other races are 1,028 and 335 per 100,000, respectively. Black women are imprisoned at a rate of 171 per 100,000—more than five times that of white women. Rates for Latina women and women of other races are 38 and 14 per 100,000, respectively.

Many Californians see bias in the criminal justice system. The PPIC Statewide Survey finds that at least half across California regions and demographic groups view the criminal justice system as biased against African Americans. There are partisan differences: strong majorities of Democrats (84%) and independents (66%) but only 30% of Republicans say there is racial bias. A slight majority of Californians think all racial and ethnic groups are treated fairly by local police either "always" (24%) or "most of the time" (29%). Fewer than two in ten African Americans and about four in ten Asian Americans hold this view.

VIEWS ON POLICING DIFFER SIGNIFICANTLY ACROSS DEMOGRAPHIC GROUPS IN CALIFORNIA



SOURCE: PPIC Statewide Survey, September 2020.

California has work to do on recidivism and disparities

The state has enacted laws that require data collection on law enforcement stops and establish statewide standards for police use of force, and is moving toward rigorous evaluation of in-prison programming. But the pandemic has posed many challenges, and civil unrest has highlighted the need to address racial inequity.

Monitor crime rates. The unprecedented drop in the incarcerated population, high unemployment rates, and increased gun ownership during the pandemic, as well as tension between law enforcement and communities of color, may put upward pressure on California's relatively low crime rates. It is essential to watch these rates across regions and crime categories.

Understand the impact of COVID-19 on criminal justice spending. Although reducing jail and prison populations during the pandemic may have created budget savings, the need for re-entry and community-based services for released individuals returning to their communities may have increased. The uncertain future of local and state revenues could make it difficult to continue some criminal justice services, but this uncertainty could also prompt policymakers to closely examine spending decisions and criminal justice outcomes.

Identify and implement cost-effective interventions to reduce recidivism. Tight local and state budgets, housing shortages, and poor labor market conditions heighten the importance of cost-effective, evidence-based programming and services that reduce recidivism. To identify effective and successful interventions, the state will need to support programing evaluation and the collection of high-quality, integrated data from both state and county correctional systems.

Analyze new data to address disparities and improve outcomes. A starting point for discussions and eventual identification of reforms that effectively and safely address the stark racial disparities in the criminal justice system requires research and information around the extent to which law enforcement interactions with community members differ across race and ethnicity. Available data on police stops and use of force should be used to understand the factors that contribute to disparities and outcomes, as it is essential for productive discussions and effective responses.

Assess local efforts to improve community-police relations. Cities around the state are considering and enacting new law enforcement response policies. Cities such as Berkeley and Oakland are considering the transfer of parking and traffic enforcement and/or responses to calls about people experiencing homelessness or mental illness to civilians. In November 2020, voters in Los Angeles passed a measure requiring county officials to spend more on jail diversion programs, mental health, and housing. In San Francisco, voters approved measures that increase oversight of the sheriff and undo a minimum size requirement for the police department—a rule that some had seen as a barrier to broader changes.

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Sources: Board of State and Community Corrections; California Department of Corrections and Rehabilitation; Federal Bureau of Investigation; OpenJustice, California Department of Justice; United States Bureau of Justice Statistics.



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