

Reallocation of Responsibility

Changes to the Correctional Control System in California Post-Realignment

Lisa T. Quan, Sara Abarbanel, and Debbie Mukamal

EXECUTIVE SUMMARY

On October 1, 2011, California's long troubled correctional system began operating under a new framework created by Assembly Bill 109 (AB 109). Formally known as the 2011 Public Safety Realignment Act, AB 109 was largely a result of the state's failure to control overcrowding and its consequences for inmates in California's 33 state prisons. In 2009, a three-judge federal panel ordered the state to reduce its prison population to 137.5% of design capacity—a reduction of about 30,000 people—within two years. In mid-2011, the U.S. Supreme Court affirmed that order in *Brown v. Plata*.

By signing the Realignment bill, Governor Jerry Brown put the state on the path toward compliance with the court order. More broadly, his action launched a titanic policy shift in California criminal justice, perhaps the most sweeping such change since the adoption of determinate sentencing in the 1970's. Once known as a state that relied heavily on prison to punish parole violators and other lower-level offenders, California under Realignment began shifting responsibility for most non-serious, non-violent, non-sexual (N3) felons from the state to the counties. Through the initiative's first two years, counties have received more than \$2 billion to manage the new load of offenders in jails, on probation,

and through evidence-based programs in the community. While several other states have also begun favoring the use of local sanctions over prison for less serious offenders, the scale of California's effort makes it an experiment of unparalleled national significance.

Although it is too early to draw solid conclusions about Realignment's effects on long-term crime and recidivism,¹ at least one outcome is clear: As the Legislature intended, AB 109 has shifted a large share of correctional control from the state to the local level. Two years after the law's implementation, the majority of California adults in the correctional system has been "realigned" and now undergoes local supervision as jail inmates and probationers. As a result, California now ranks below the national average in the proportion of adults it imprisons and places on parole.² The state's probation population, meanwhile, has ballooned, with the number of probationers per 100,000 jumping 30% from 2010 to 2012.

In addition, while Realignment's objective was not necessarily "decarceration,"³ our findings show that because of the law's provisions, some offenders are spending less time in a correctional facility. Specifically, AB 109 mandated that realigned felons receive enhanced conduct credits, potentially reducing their jail terms by up to half. Also, released offenders who violate conditions of their supervision are now sent to jail rather than prison, a change that has

reduced their potential punishment to a maximum of 180 days. Combined with other factors related to jail capacity, these measures have helped produce a drop in California's overall incarceration rate since 2010. That year, adults held in prison and jail comprised 36% of the total correctional system. By 2012, that proportion had fallen to 31%. In addition, the number of prisoners and jail inmates per 100,000 California adults decreased by almost 12% between year-end 2010 and 2012.

In 2006, the Center for Evidence-Based Corrections at the University of California, Irvine released a bulletin on the number of adults (18 and older) held in adult county jails and state prisons, and supervised in the community on adult probation and parole.⁴ The researchers found that at year-end 2004, 725,085 people, or 2.8% of Californians, were under some form of adult correctional control.⁵ Given recent federal court orders and the passage of AB 109, a reanalysis of

**CALIFORNIA ADULT CORRECTIONAL CONTROL AT YEAR-END 2012,
COMPARED TO 2010 AND 2004**

	Status	Total Population	Number per 100,000 Adult Residents	Percent Change in Number per 100,00 Adult Residents (2010 to 2012)
2012	Prisoners	132,935	462	-20.6%
	Parolees	56,336	171	-53.5%
	Jail Inmates	78,878	274	+8.3%
	Probationers	416,414	1,446	+29.7%
	Total	684,563	2,377	+2.2%
	Prison and Jail	211,813	736	-11.9%
2010	Prisoners	162,821	582	
	Parolees	105,117	368	
	Jail Inmates	70,649	253	
	Probationers	311,692	1,115	
	Total	650,279	2,326	
	Prison and Jail	233,470	835	
2004	Prisoners	163,939	623	
	Parolees	110,130	425	
	Jail Inmates	75,008	285	
	Probationers	341,227	1,2297	
	Total ⁴	690,304	2,625	
	Prison and Jail	238,947	909	

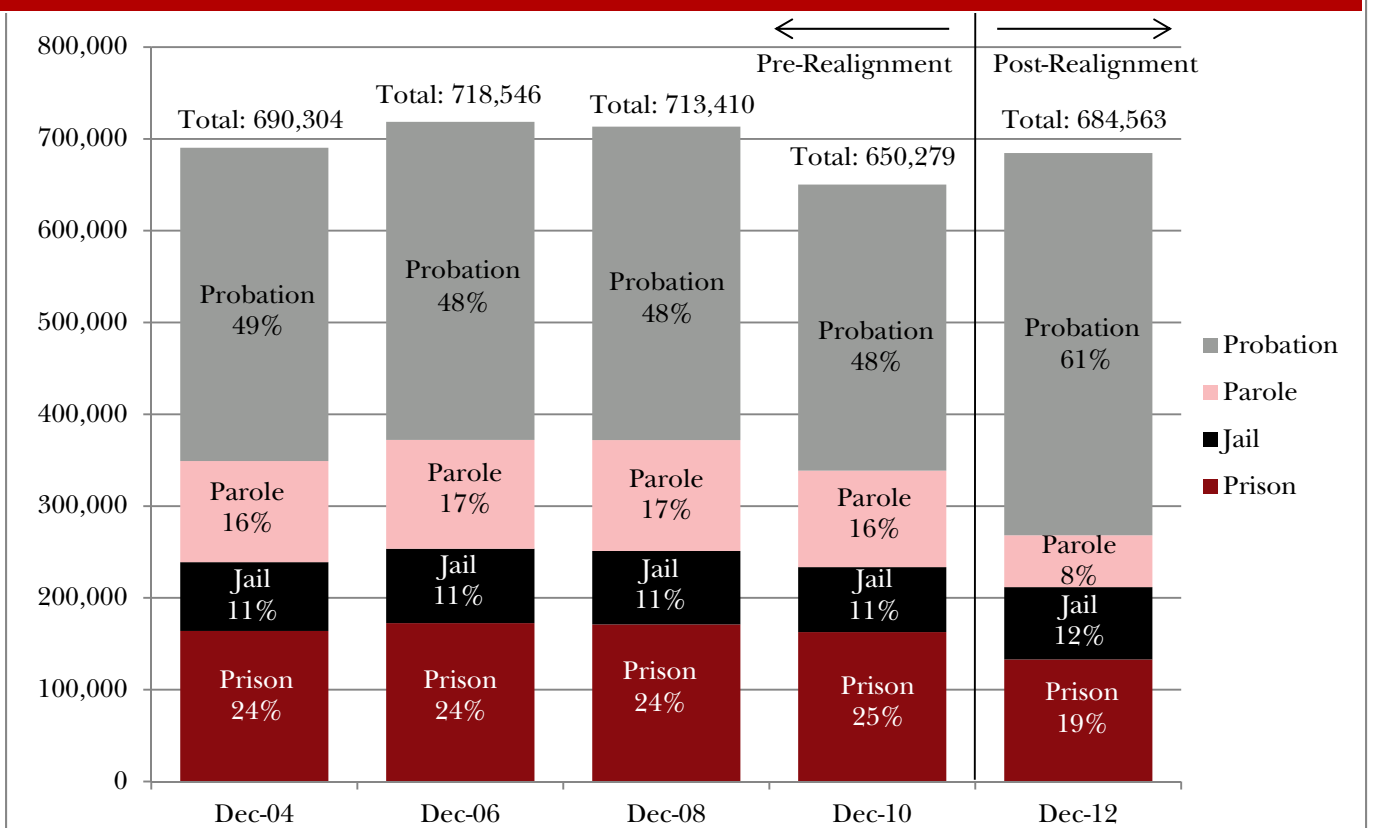
Note: Prison and active parole population numbers for 2004, 2010, and 2012 are from the California Department of Corrections and Rehabilitation (CDCR) monthly population reports. Jail population numbers are from the Board of State and Community Corrections (BSCC) Jail Profile Survey. Probation population numbers prior to 2012 are from the California Attorney General's "Crime in California" reports. Probation population numbers for 2012 are from the Chief Probation Officers of California Probation (CPOC) Population Census, Active Criminal Probation Population and CPOC's Realignment Dashboard. For an explanation on the change in source for the probation population between 2010 and 2012, please see Appendix A and Figure 7 of the full document. Prison, parole, and probation numbers are one-day counts as of December 31 of that year. Jail population is the average daily population for the month. Rates were created using U.S. Census population data for the adult population.

California’s adult criminal justice system was warranted. This report is the product of that reanalysis and reveals how the size and composition of California’s adult correctional control populations—consisting of prison, jail, parole, and probation—have changed since 2004. We also compare California’s rates of correctional control—and, where possible, the gender differences in those rates—to the national averages. Most importantly, we investigate whether, and to what extent, Realignment has contributed to the changes observed in California’s correctional system.

Highlights of the findings include:

- There are more adults under correctional control in California at year-end 2012 (684,563 people) than before Realignment (650,279 people at year-end 2010⁶), but the number of adults under correctional control per 100,000 California adults remained almost the same pre- and post-Realignment (2,326 per 100,000 in 2010 and 2,377 per 100,000 in 2012). There are fewer adults under correctional control now than the total in 2004 (690,304 people, with 2,625 per 100,000).⁷

DISTRIBUTION OF CALIFORNIA ADULTS UNDER CORRECTIONAL CONTROL AT YEAR-END, 2004-2012



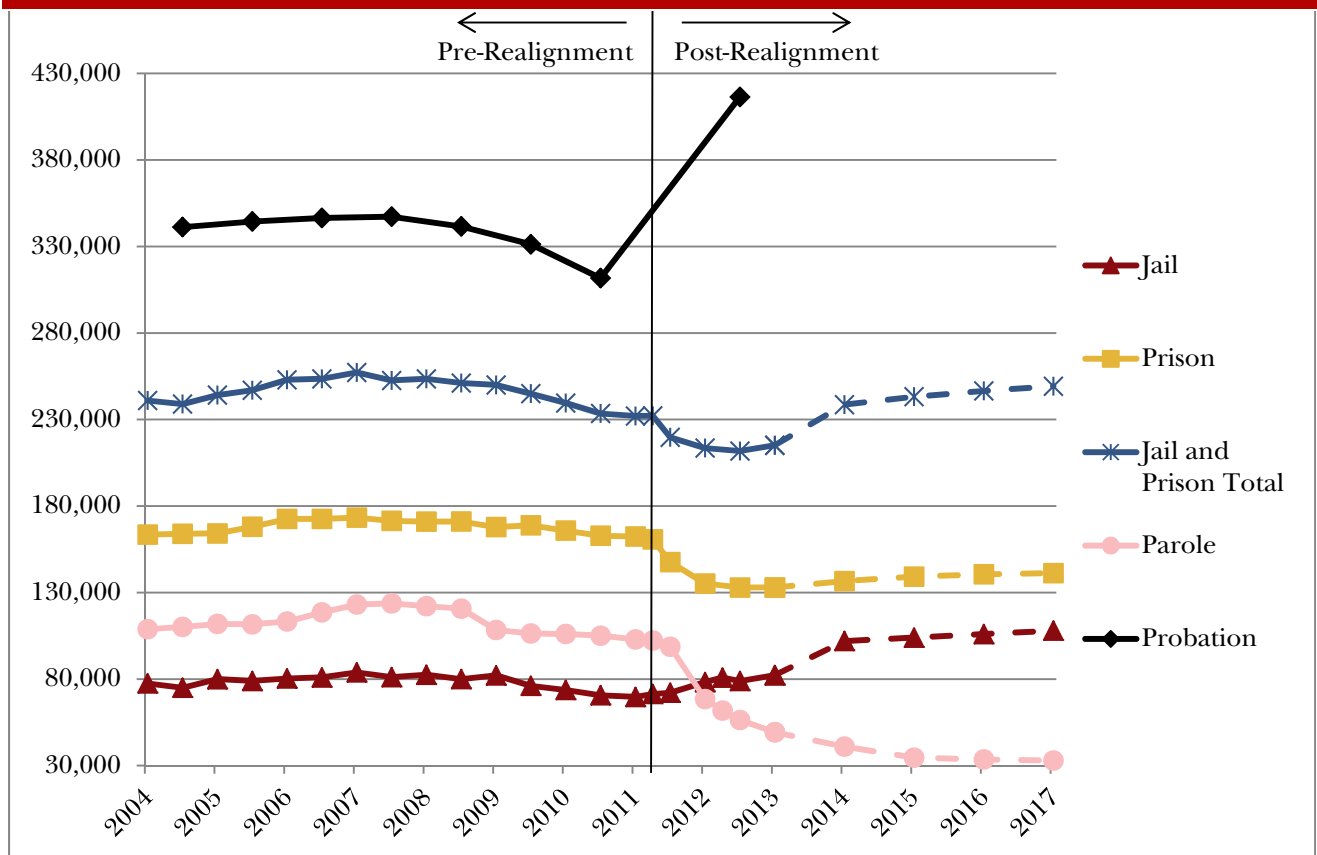
Note: Prison and active parole population numbers are from CDCR monthly population reports. Jail population numbers are from the Board of State and Community Corrections (BSCC) Jail Profile Survey. Probation population numbers prior to 2012 are from the California Attorney General’s “Crime in California” reports. Probation population numbers for 2012 are from the Chief Probation Officers of California Probation (CPOC) Population Census, Active Criminal Probation Population and CPOC’s Realignment Dashboard. For an explanation on the change in source for the probation population between 2010 and 2012, please see Appendix A and Figure 7 of the full document. Prison, parole, and probation numbers are one-day counts as of December 31 of that year. Jail population is the average daily population for the month.

- AB 109 has dramatically shifted correctional control from the state to counties. Jail inmates and probationers account for 73% of all adults under correctional control in 2012, up from 59% in 2010. In contrast, prisoners and parolees comprise 27% of adult offenders in 2012, down from 41% in 2010.
- Probation departments are now responsible for the majority (61%) of California's offenders, an increase of 104,722 people from 2010. In contrast, state parole now

supervises just 8% of the total correctional population, a 50% decrease of 48,781 parolees from 2010.

- California has decarcerated under Realignment. The state prison population has decreased by 29,910 people since 2010, while the jail population has modestly increased by 8,229 people. Thus, the number of prisoners and jail inmates per 100,000 adults has decreased to 736 in 2012, down from 835 in 2010, an 11.9% reduction.

RECENT TRENDS AND PROJECTIONS IN CALIFORNIA'S JAIL, PRISON, PROBATION, AND PAROLE POPULATIONS, 2004-2017



Note: Prison and parole population numbers are from CDCR Monthly population reports at year-end. Jail population numbers are from the BSCC Jail Profile Survey and are a monthly average daily population. Probation population numbers prior to 2012 are from the California Attorney General's "Crime in California" reports. Probation population numbers for 2012 are from the Chief Probation Officers of California Probation (CPOC) Population Census, Active Criminal Probation Population and CPOC's Realignment Dashboard. All numbers are one-day counts as of December 31 of that year. For an explanation on the change in source for the probation population between 2010 and 2012, please see Appendix A and Figure 7 of the full document. Prison and parole projections are from the CDCR Fall 2013 Adult Population Projections. Year-end jail projections are estimated from "Impact of AB109 on Local Jail Population 2007-2017" graph from Jim Austin's presentation at the NIC Advisory Board Hearing, August 22-23, 2012. Projections for prison, parole, and jail start in June 2014.

- California uses all forms of correctional control (prison, parole, jail, and probation) at lower rates than the national average, although California’s total population under each form of correctional control ranks among the largest nationally.
- The population reductions in the state correctional system are projected to continue in the short term. Prison and parole populations are expected to fall to 174,154 people by June 2017, from 189,271 people in 2012. This 2017 figure marks a 41.2% drop from the population peak of 296,339 recorded in June 2007.

These and other findings detailed below raise important policy and funding questions for state and county officials as they continue to readjust to the new realities of managing offenders under Realignment. They are especially pertinent given the U.S. Supreme Court’s recent refusal to grant the state reprieve from its looming deadline for reducing the inmate population still further. Given the court’s position, California faces a daunting task: It must find a way to cut its prison population by an additional 10,000 people before April 18, 2014.⁸

Endnotes

¹ While it would be interesting to parallel the effects of Realignment and the changes in crime rates across California on the correctional populations during the same period, an analysis is outside the scope of this report. For an exploration of crime rates post-Realignment, see Lofstrom, Magnus and Steven Raphael, “Public Safety Realignment and Crime Rates in California,” *Public Policy Institute of California* (2013).
http://www.ppic.org/content/pubs/report/R_1213MLR.pdf.

² Prior to Realignment, California’s numbers of prisoners and parolees per 100,000 adult residents were consistent with the national average. After Realignment, California’s rates dropped below the national average.

³ Decarceration here is defined as the reduction in the number of people incarcerated in prison or jail.

⁴ Lin, Jeffrey and Jesse Jannetta. “The Scope of Correctional Control in California.” UC Irvine: Center for Evidence-Based Corrections (2006). This report also included analysis of the juvenile

correctional population, which is not covered in this bulletin.

⁵ Correctional control, as defined in criminological literature, refers to the overall prison, parole, jail, and probation populations. In our analysis, we recalculated the 2004 correctional control populations based on updated population numbers, and using only active parole populations in our parole population count.

⁶ December 2010 is chosen as the “pre-Realignment” date across all correctional forms to maintain consistency, as the most recent pre-Realignment probation population figure is December 2010.

⁷ Our 2004 correctional population figures differ slightly than Lin and Jannetta’s figures, because we recalculated the 2004 correctional control populations based on updated population numbers, and using only active parole populations in our parole population count.

⁸ “Three-Judge Court Order Further Extending Meet-And-Confer Process.” *Brown v. Plata*, 131 S. Ct. (2011). (December 11, 2013).

The **Stanford Criminal Justice Center (SCJC)**, led by faculty co-directors Joan Petersilia and Robert Weisberg and executive director Debbie Mukamal, serves as a research and policy institute on matters related to the criminal justice system. For more information, please visit our website: <http://law.stanford.edu/criminal-justice-center>.