

Research Brief

**UPDATE: Nine Months into Realignment:
California's Prisoner Decline Continues, New Admissions Rise**

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Introduction

This publication analyses the latest data from California Department of Corrections and Rehabilitation (CDCR)'s Data Analysis Unit (2012) of new prison admissions covering the third and last quarters of 2011 and the first and second quarters of 2012. This directly compares prison admissions before and after Assembly Bill (AB) 109's implementation, commonly referred to as "Realignment." It provides ongoing analysis of the overall statewide and county-by-county prison commitment and population trends.

New quarterly figures released by CDCR show that during the first 9 months of realignment there has been a 39% overall reduction in new prison admissions as of June 30, 2012, and a drop of 26,480 in the prison population as of August 8, 2012, compared to October 1, 2011. Realignment was designed to redirect non-serious, non-violent, non-sex offenders from incarceration in state prison to the supervision of local jurisdictions. Within the first 9 months of realignment, CDCR has already progressed two-thirds of the way toward the goal of reducing inmate populations by 40,000 by 2017.

However, the initially steep reductions in prisoners may be almost over, and further cuts may prove harder to achieve. The second quarter of 2012 actually brought an increase in new admissions. From March through June 2012, 8,352 inmates were admitted to California prisons, an increase of 306 over the 8,046 admitted in January through March. A contributing factor to the increase was an additional 2 days in the 2nd than in the first quarter.

From the first to the second quarter of 2012, new felon admissions increased but parole violators returned with a new term fell. This highlights the growing importance of both state and local parolee supervision in preventing violators from being returned to prison. The biggest increase in admissions, by far, was in new felon admissions for non-marijuana drug offenses, which rose by 22%, while property offender numbers rose by 6% and violent offender numbers remained the same. Of the state's 58 counties, 33 showed increases (some significant, such as by Kings and Tulare counties), 21 counties showed declines (some significant, such as by San Mateo and Orange), and 4 counties showed no change. Still, California's prison population fell by 4,002 from March 31 to June 30, 2012, even as new felon admissions increased.

Demographics of state prison commitments

Broadly speaking, from the third quarter of 2011 to the second quarter of 2012, new admissions of female, white, and Asian offenders, parole violators, and drug and property offenders showed declines of over 40% (Table 1). Before realignment, 29.7% of prison admissions were for violent offenses; after realignment, 47.8%. Particularly large declines were recorded in admissions for non-marijuana drug possession (-57%), petty theft with prior (-62%), marijuana sale/possession (-69%), and non-marijuana drug sales (-74%) (CDCR, 2012).

Table 1. Changes in quarterly new commitments to state prison, post- vs. pre- realignment

<u>Demographic:</u>	Total felon admissions to state prison by calendar quarter				Change in new admissions (2012-2nd v. 2011-3rd):	
	Pre-realignment 2011-3rd	Post-realignment			Number	Percent
		2011-4th	2012-1st	2012-2nd		
Total	13,614	8,855	8,046	8,352	-5,262	-39%
Female	1,473	627	506	558	-915	-62%
Male	12,141	8,228	7,540	7,794	-4,347	-36%
<u>Race</u>						
White	3,866	2,246	2,046	2,153	-1,713	-44%
Black	3,147	2,364	2,083	2,165	-982	-31%
Latino	5,913	3,771	3,536	3,629	-2,284	-39%
Asian/other	688	474	381	405	-283	-41%
<u>Age</u>						
Under 18	0	1	0	1	1	
18-19	574	440	435	461	-113	-20%
20-24	2,562	1,784	1,728	1,739	-823	-32%
25-29	2,552	1,631	1,495	1,537	-1,015	-40%
30-34	2,216	1,380	1,271	1,334	-882	-40%
35-39	1,562	947	783	916	-646	-41%
40-44	1,470	890	808	791	-679	-46%
45-49	1,235	817	728	683	-552	-45%
50-54	827	552	422	513	-314	-38%
55-59	380	235	237	228	-152	-40%
60 AND OVER	236	178	139	149	-87	-37%
<u>Admission status</u>						
New admission	9,723	6,439	5,982	6,440	-3,283	-34%
Parole violator	3,891	2,416	2,064	1,912	-1,979	-51%
<u>Offense</u>						
Violent crimes	4,039	3,912	3,992	3,996	-43	-1%
Property crimes	4,331	2,089	1,730	1,833	-2,498	-58%
Drug crimes	3,358	1,516	1,016	1,160	-2,198	-65%
Other crimes	1,886	1,338	1,308	1,363	-523	-28%

Source: CDCR, 2012.

County-by-county

At first glance at the top of Table 2, 11 counties (including 4 major ones:¹ San Joaquin, Santa Cruz, Madera, and Kings) appear to contradict realignment trends. Their prison commitments increased or showed no change in the first 9 months of realignment even as 47 counties showed declines. However, 8 of these 11 counties (including Santa Cruz) had substantially lower than average rates of state prison commitments before realignment, leaving a smaller margin for additional reductions. However, Kings, San Joaquin, and Madera counties had both higher than average rates of imprisonment before realignment and increased imprisonments after realignment.

In contrast, 12 counties (including 4 major ones: San Mateo, Orange, Santa Clara, and Solano) showed declines of 50% or more in new prison commitments after realignment. These reductions are significant, since all 12 of these counties previously had lower than average rates of state imprisonment. Similarly, San Francisco achieved a 47% reduction in new prison commitments after realignment despite already having California's lowest imprisonment rate, just one-fourth the state average.

Table 2. Change in counties' new commitments to state prison, post- versus pre-realignment period

County (ranked by percent change):	Felon new admissions to state prison by quarter				Change in new admissions (2012-2nd v. 2011-3rd):	
	Pre-realignment	Post-realignment			Number	Percent
	2011-3rd	2011-4th	2012-1st	2012-2nd		
Modoc	0	2	1	2	+2	+~
Del Norte	6	3	9	12	+6	+100%
Colusa	4	4	1	7	+3	+75%
Trinity	2	1	5	3	+1	+50%
Santa Cruz	22	36	22	30	+8	+36%
San Joaquin	182	175	206	223	+41	+23%
San Benito	12	10	10	14	+2	+17%
Madera	42	24	46	44	+2	+5%
Kings	113	72	52	113	0	0%
Mariposa	4	2	1	4	0	0%
Sierra	1	0	2	1	0	0%
Amador	12	5	10	11	-1	-8%
Napa	26	24	25	23	-3	-12%
Shasta	91	74	62	80	-11	-12%
Marin	23	19	20	20	-3	-13%
Stanislaus	157	135	131	134	-23	-15%
Yolo	93	61	51	74	-19	-20%
Mendocino	35	21	16	27	-8	-23%
San Luis Obispo	63	43	35	48	-15	-24%
Butte	120	57	65	88	-32	-27%
Lake	24	18	25	17	-7	-29%
San Diego	830	618	559	581	-249	-30%
Yuba	44	44	44	30	-14	-32%
Merced	72	58	55	49	-23	-32%
Tulare	179	129	83	121	-58	-32%
Contra Costa	135	123	96	91	-44	-33%
Monterey	171	119	112	115	-56	-33%
Lassen	18	6	4	12	-6	-33%
Sonoma	90	90	56	60	-30	-33%
Sacramento	524	451	314	345	-179	-34%

¹ In this publication "major counties" refers to counties with 500 or more inmates in state prison as of December 31, 2011. Those counties include: Alameda, Butte, Contra Costa, Fresno, Humboldt, Kern, Kings, Los Angeles, Madera, Merced, Monterey, Orange, Placer, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Solano, Sonoma, Stanislaus, Tehama, Tulare, Ventura, Yolo, and Yuba.

Los Angeles	4,412	2,915	2,601	2,736	-1,676	-38%
Tehama	47	21	36	29	-18	-38%
Alameda	250	197	179	154	-96	-38%
Statewide	13,614	8,855	8,046	8,352	-5,262	-39%
Placer	58	57	46	35	-23	-40%
Siskiyou	20	6	6	12	-8	-40%
Fresno	477	316	303	285	-192	-40%
Tuolumne	22	15	7	13	-9	-41%
Kern	532	291	281	314	-218	-41%
San Bernardino	1,300	784	646	743	-557	-43%
Riverside	968	575	594	533	-435	-45%
Glenn	11	7	5	6	-5	-45%
Ventura	176	100	82	96	-80	-45%
Humboldt	59	33	30	32	-27	-46%
San Francisco	106	66	59	56	-50	-47%
Santa Barbara	142	77	64	72	-70	-49%
Nevada	12	6	2	6	-6	-50%
Solano	95	70	55	47	-48	-51%
El Dorado	40	28	41	19	-21	-53%
Santa Clara	554	251	239	256	-298	-54%
Calaveras	9	6	5	4	-5	-56%
Imperial	46	29	16	20	-26	-57%
Orange	936	446	503	405	-531	-57%
Sutter	47	22	20	20	-27	-57%
San Mateo	185	94	88	70	-115	-62%
Plumas	6	3	5	2	-4	-67%
Inyo	4	3	3	1	-3	-75%
Mono	1	0	0	0	-1	-100%
Alpine	0	0	0	0	0	--

Source: CDCR, 2012.

Second Quarter 2012 Trends

In realignment's initial quarter (October-December 2011), total felon admissions fell by 4,759 compared to the previous quarter; in the second quarter (January-March 2012), total felon admissions dropped by another 809. However, in the third post-realignment quarter (April-June 2012), counties sent 306 more felons to state prison than in the previous quarter (Table 3). The increase was disparate among the counties.

The increase consisted of new felon admissions (up 8%), while parole violators returned to prison with a new term dropped (-7%). Offenders convicted of the relatively small number of drug and a few other non-violent, non-serious, non-sex ("non-non-non") crimes – particularly those involving drugs other than marijuana – that still merit state imprisonment showed increased prison numbers while imprisonments for violent offenses remained the same. Within the violent offense category, robbery and rape admissions showed large declines, homicide admissions were stable, and aggravated assault admissions rose. The increase in new imprisonments was concentrated in 33 counties that sent 628 more offenders to state prison in the second quarter of 2012 than in the first quarter and mainly affected drug offenders, not violent ones. Meanwhile, 21 counties continued reducing their new prison commitments substantially, by 317, in April-June 2012.

Table 3. Demographic changes in quarterly new commitments to state prison, 2012

Offender, offense, county details	Total felon admissions to state prison by calendar quarter, post-realignment		Change in new admissions (2012-2nd v. 2012-1st):	
	2012-1st	2012-2nd	Number	Percent
<u>Offender status</u>				
Total	8,046	8,352	306	+4%
New felon admission	5,982	6,440	458	+8%
Parole violator returned to prison	2,064	1,912	-152	-7%
<u>Offense categories</u>				
Crimes against persons	3,992	3,996	4	+0%
Property crimes	1,730	1,833	103	+6%
Drug crimes	1,016	1,160	144	+14%
Other crimes	1,308	1,363	55	+4%
<u>Selected offenses</u>				
Murder/manslaughter	287	286	-1	-0%
Robbery	934	874	-60	-6%
Rape	69	46	-23	-33%
Aggravated assault	801	879	78	+10%
Drug sale (non marijuana)	389	410	21	+5%
Drug possession (non marijuana)	564	688	124	+22%
Petty theft with prior	164	165	1	+1%
Marijuana sale/possession	63	62	-1	-2%
<u>County prison admission status</u>				
33 counties with increases	5,779	6,407	628	+11%
21 counties with decreases	2,215	1,898	-317	-14%

Source: CDCR, 2012. Note: 4 counties showed no change in admissions, and admissions from “other” areas fell by 5.

Conclusion

While overall prison populations and new prison commitments in 21 counties continued their decline in the second quarter of 2012, the overall number of new prison commitments rose for new felons, certain drug and assault offenses, and in 33 counties. Several factors could lie behind these unexpected new numbers. Perhaps realignment has already transferred the majority of non-violent, non-serious, non-sex offenders to retain at local levels. The reduction of 26,480 in state prison populations in the first 10 months of realignment, including a 39% decline in new commitments, has been much more rapid than predicted. Further reductions in prison populations may be difficult to achieve. Alternatively, perhaps a real increase in serious crime is generating more felons eligible for state prison (2011 and 2012 arrest data are not yet available to explore this possibility).

However, these two possibilities appear implausible based on available information. The biggest reason is that in the second quarter of 2012, new felon admissions to prison continued to decline in 21 counties, including a diverse array of both populous, urban counties (Orange, Riverside, Alameda, San Francisco, Merced, Fresno, Solano, Napa, Madera) and smaller and rural ones (Inyo, Plumas, Lake, Tehama). If the state had exhausted the transfer of non-non-non felons or counties were experiencing increases in crimes meriting state imprisonment, one would expect these trends to be occurring across the state. Further, one would not expect to see real increases in some offenses, such as non-marijuana drug and aggravated assault, alongside sharp declines in others, such as marijuana, rape, and robbery offenses; statewide crime trends tend to be more generalized.

These factors suggest a third possibility: prosecutors in certain jurisdictions could be exploring ways to avoid realignment mandates by charging more defendants with those offenses still eligible

for state imprisonment. For example in November 2011, Los Angeles District Attorney, Steve Cooley, announced he was teaching his staff “to ‘scour’ criminal records to make sure they note any prior offenses when they file new charges, and to make sure that new charges include offenses categorized as serious, violent or sexual when possible” (Lagos, 2011). Whether as a result of deliberate policy or for other reasons, Los Angeles’s prison commitments rose by 135 from the first to the second quarter of 2012, reversing the county’s previous decline.

In a previous report, we concluded that many counties that had become “state dependent” by using the prison system as a repository for lower-level drug and property offenders and would face correspondingly greater challenges in implementing realignment (CJ CJ, 2011). Indeed, as realignment has shifted thousands of the lower-level drug and property offenders from state to local management, formerly large disparities in county imprisonment rates have widened further. For example, in the last quarter before realignment, a felon in Kings County was approximately 10 times more likely to be sent to state prison than a felon in San Francisco; today, after realignment, that disparity has risen to 18 times.

These data demonstrate that a number of counties now are sending more drug (and, to a lesser extent, drug-involved property) offenders to prison. Whether the issue is that more drug offenders are now being charged under the few drug-offense statutes that still permit state imprisonment, or that other factors account for this increase, needs to be examined.

References

California Department of Corrections and Rehabilitation (CDCR). (2012). Characteristics of Felon New Admissions and Parole Violators Returned with a New Term. July-September 2011; October-December, 2011; January-March, 2012; April-June 2012. Provided by CDCR by request. See semi-annual reports at: http://www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/Annual/Achar1Archive.html

Center on Juvenile and Criminal Justice (CJ CJ). (2011). *Can California’s county jails absorb low-level state prisoners?* San Francisco, CA: CJ CJ. At: http://cjcj.org/files/Can_California_County_Jails_Absorb_Low-Level_State_Prisoners.pdf

Lagos, M. (2011, November 20). Prison plan sways prosecutors in filing charges. *San Francisco Chronicle*. At: <http://www.sfgate.com/politics/article/Prison-plan-sways-prosecutors-in-filing-charges-2288769.php#page-1>

Please note: *Each year, every county submits their data to the official statewide databases maintained by appointed governmental bodies. While every effort is made to review data for accuracy, CJ CJ cannot be responsible for data reporting errors made at the county level.*

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