

## CALIFORNIA'S CHANGING PRISON POPULATION

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► **California has reduced its prison population to the court-ordered level, at least for now.**

California's prison population has been on the decline for several years, since a 2006 peak of 163,000 inmates. In 2009, the U.S. Supreme Court ordered California to reduce its prison population to 137.5% of institutional design capacity. A mixture of reforms, inmate transfers, and new construction brought the population below the mandated threshold. As of March 2015, it stood at 112,300, or 135.8% of capacity.

► **Recent prison population changes are the result of three key policy initiatives.**

California's corrections system has been reshaped by a series of important reforms. These reforms employ a range of strategies that reserve prison for the most serious offenders and make substantial reductions in the number of offenders churning into and out of prison. Most far-reaching has been a policy known as public safety realignment, which transferred authority for many non-serious, non-violent, and non-sexual offenders from the state to the counties and prevented counties from returning parole violators to prison. Earlier legislation encouraged counties to reduce the number of felony probationers who are sent back to state prison. Proposition 47, passed in November 2014, reclassifies some drug and property offenses as misdemeanors instead of felonies.

► **A vast majority of prisoners have committed violent or serious offenses.**

At midyear 2013, 90% of inmates had a current or prior violent or serious felony conviction, and 16% were registered sex offenders. A large percentage of inmates have long-term sentences: 26% are serving a "second strike" sentence, and 19% are lifers with the possibility of parole. Smaller proportions are serving a "third strike" sentence (6%) or are serving life sentences without the possibility of parole (3%).

► **African American men are dramatically more likely to be imprisoned than are other groups.**

Less than two thirds of California's adult male population is nonwhite or Latino (60%), but these groups make up three of every four men in prison: Latinos are 42%, African Americans are 29%, and other races are 6%. Among adult men in 2013, African Americans were incarcerated at a rate of 4,367 per 100,000, compared to 922 for Latinos, 488 for non-Latino whites, and 34 for Asians.

► **The prison population is aging.**

Between 1990 and 2013, the share of prisoners age 50 and older grew from 4% to 21%. At the same time, the percentage of prisoners age 25 and younger fell from 20% to 13%. Given that aging offenders tend to have greater health care needs, these trends present a particular challenge with respect to providing constitutionally mandated adequate health care and controlling prison health care costs.

► **California continues to rely on out-of-state facilities to house inmates.**

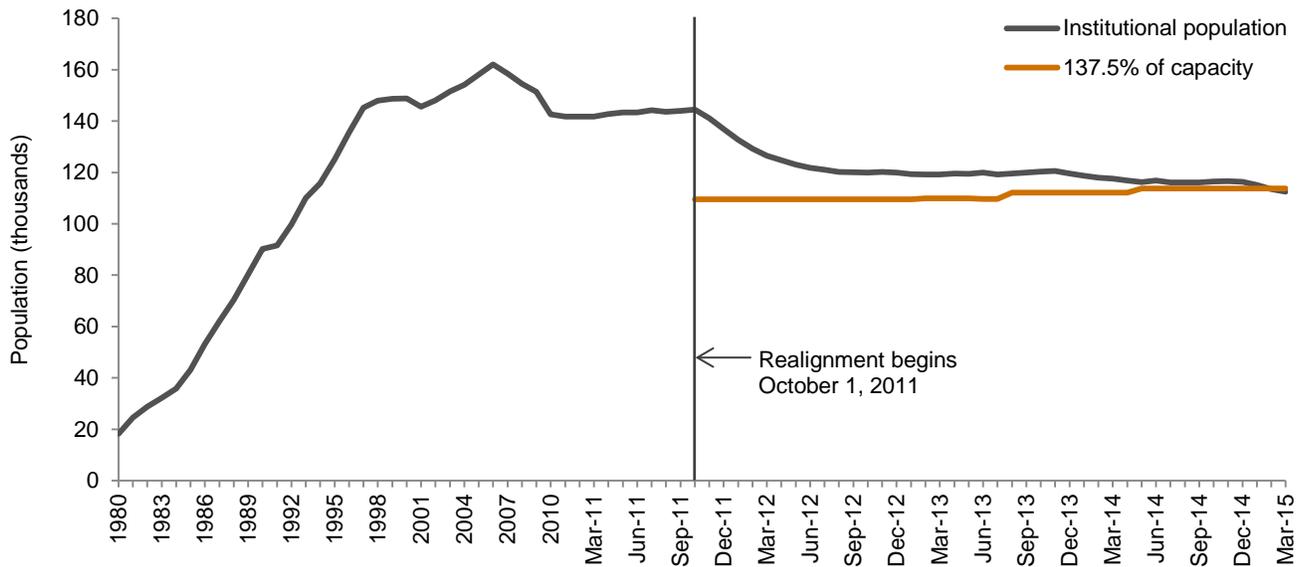
Since a state of emergency declaration in 2006, which identified overcrowding as the source of unhealthy and unsafe prison conditions, California has housed inmates in private prisons in other states. Currently, 8,800 California prisoners are housed in Arizona, Oklahoma, and Mississippi. The state of emergency was rescinded in January 2013, raising the issue of when and how these inmates must be returned.

► **Commitments for "second strikers" are on the rise.**

Between 2004 and 2010, the number of offenders committed to state prison for a second strike declined from 8,063 to 7,491. Since public safety realignment began in 2011, second striker commitments have increased from 8,992 to 10,267.



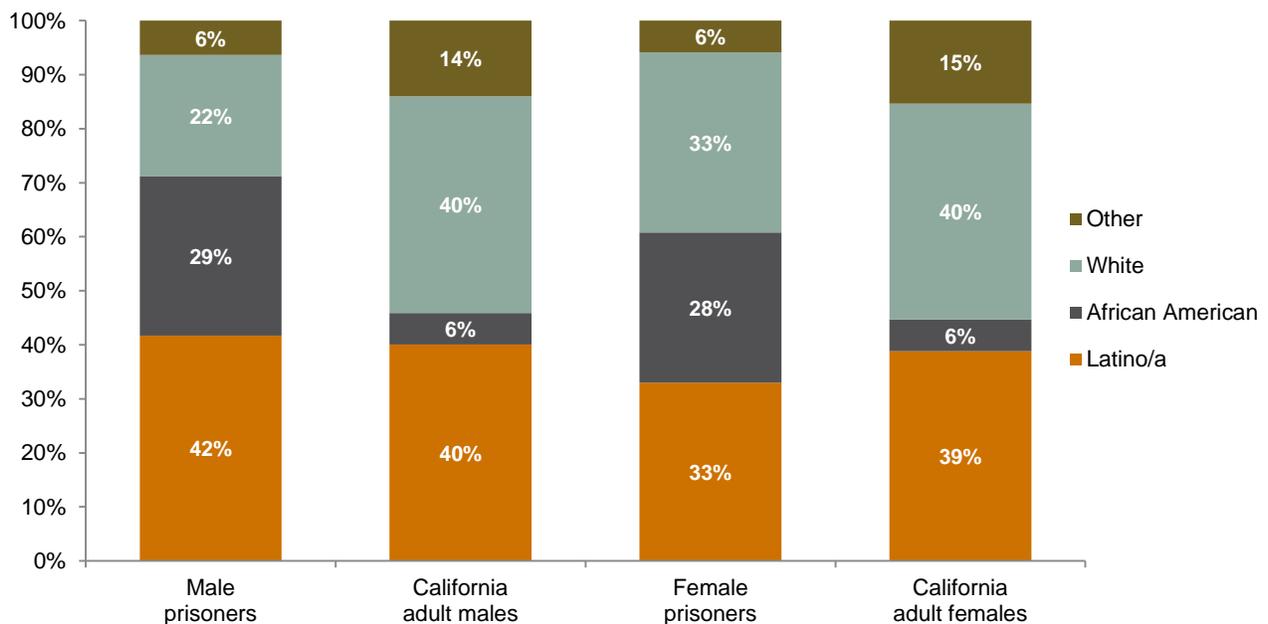
### California's prison population has reached the court-imposed threshold



Source: California Department of Corrections and Rehabilitation data, 1980–2015.

Note: The two largest capacity increases shown are the opening of California Health Care Facilities in Stockton (in July 2013, adding 1,818 beds) and the Dewitt Annex (in April 2014, adding 1,133 beds).

### Three out of four male prisoners are nonwhite or Latino



Source: California Department of Corrections and Rehabilitation data, 2013; Census Bureau population estimates, 2013.

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California's incarceration rate alone is higher than the United Kingdom, Portugal, Canada, Belgium, and Italy combined. California's prisons are severely overcrowded, at 137 percent capacity, with Black people, Native Americans, and Latinxs disproportionately incarcerated. In fact, Black people are incarcerated at a rate almost nine times higher than Whites in California. During COVID-19. During the outbreak, prisons across California have implemented new policies and physical distancing measures in hopes of controlling the spread of COVID-19. The new policies include eating in dorms and reducing the number of inmates during yard time. Some prisons are transferring inmates to vacant spaces, like gyms and houses, so they have more space. California now has the lowest prison population in 30 years. SACRAMENTO, Calif. - The state prison population has dropped to the lowest number in 30 years as people are released due to the coronavirus, officials from the California Department of Corrections and Rehabilitation said. As of Thursday, the in-prison population was 99,929. "The last time that number was below 100,000 was in 1990, when California's overall population was almost 10 million less than it is today," the agency said in a release. Earlier this month, with immense pressure from community advocates, Gov. Gavin Newsom pledged to release 8,000 inmates amid the rampant spread of the virus behind bars, including the second-worst outbreak in the country at San Quentin State Prison. Prisons in California, Illinois and Ohio are releasing hundreds of inmates early to decrease prison populations in an effort to combat the potential spread of coronavirus among inmates. As of Tuesday morning, no prison in the United States has reported a case of COVID-19 but many county, state, and federal jails and courthouses are beginning to take preventative measures to ensure the safety of inmates. Inmates are considered high risk because of their inability to social distance from others and their limited access to basic hygiene measures. In response, Los Angeles County in California, Cuyahoga County in Ohio, and Cook County in Illinois have released or are planning to release inmates to allow for more space of social distancing and self-isolation. The California decision, which is bound to spark fears about the implications of prisoners being released into the general population, will likely become a major issue in the state's upcoming governor's race. One possible candidate, Attorney General Jerry Brown, said he would appeal the decision, as did Schwarzenegger. "In short, California's prisons are bursting at the seams and are impossible to manage." As the Los Angeles Times notes, a legislative debate over prisons in the state is set for later this month. "The governor and most legislative leaders back a plan that would reduce prison populations by as many as 37,000 over the next two years using a combination of early releases, changes in parole policies and shifting of some prisoners to county jails," the newspaper reports. For example, although California has reduced the state prison population by about 22% in the past 12 months, it has not been enough to prevent large COVID-19 outbreaks in the state's prisons. In fact, as of January 20th, 2021, California's prisons were still holding more people than they were designed for, at 103% of their design capacity. Figure 1. Prison population data for 30 states where sufficient population data was readily available from January 2020 to January 2021, either directly from the state Departments of Correction or the Vera Institute of Justice. See our COVID-19 response tracker for more information on many of the most important policy changes that led to these (generally small) reductions in some states.