Understanding California Corrections

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Why Another Report?

- Previous reports too narrowly focused on corrections—and often biased
- Need a comprehensive, policy-oriented primer on the entire CJS
- Reform should be based on evidence rather than politics
Purpose of Presentation

- Explain ‘just the facts’
  - Describe 10 most important aspects of CA sentencing & corrections
    - How do we compare to other states?
  - Identify myths that are leading to misguided policies

- Given the facts, what reforms should we be doing?
#1: CA Prison Population is Not High by U.S. Standards

Prison Incarceration Rate by State, 2004

- **United States**: 432
- **Florida**: 486
- **California**: 456
- **Texas**: 694
- **New York**: 331
- **Illinois**: 346
#2: CA Police and Court Processing Are Not Different

For Every:
- 100 Reported Serious (Index) Crimes*

There are:
- 40 Adult Arrests
- 34 Complaints Filed
- 28 Convictions
- 22 Probation &/or Jail Sentences
- 5 State Prison Sentences ***

805,018 Reports**

Resulted in
- 322,699 Arrests
- 270,738 Complaints
- 225,217 Convictions
- 177,137 Probation &/or Jail Sentences
- 41,167 State Prison Sentences***

Processing of Serious Crime by the CA Criminal Justice System, 2004
#3: CA Prison Population Growth Mostly Due to Violent Offenders

Most Serious Conviction Crime for California Male Inmates
% CA Growth in Male Prison Population by Crime, 1994–2005

- Person: 69.2%
- Property: 9.4%
- Drug: 9.9%
- Other: 11.2%
CA Females More Equally Distributed Between Property, Drug & Person Crimes

![Graph showing the distribution of prison population by crime type for California female inmates over time.](image)

- **Person**: 3209
- **Property**: 3872
- **Drug**: 3257
- **Other**: 550

Most Serious Conviction Crime for California Female Inmates

**Graph Notes:***
- The graph illustrates the change in the prison population for California female inmates categorized by the most serious conviction crime recorded from 1964 to 2005.
- The x-axis represents the years, while the y-axis shows the prison population.
- The lines indicate the trends for different crime categories: Person, Property, Drug, and Other.
% CA Growth in Female Prison Population by Crime, 1994–2005

- Person: 37.8%
- Property: 40.3%
- Drug: 16.5%
- Other: 5.4%
Average length of CA prison term imposed is 48 months, served is 25 months—similar to U.S. average.

- Average length of prison term served before first release is declining for non-3 Strikers.

Length of parole supervision initially imposed is not longer

- 1 to 3 years for most parolees
Increased Prison Populations Are Associated with Some Reduced Crime

Percent Change in Prison Population, 1990-2003
Percent Change in Violent Crime, 1990-2003

Changes in U.S. Violent Crime and Prison Populations
Many see the crisis in CA as one of over-incarceration, caused by huge expenditures on prison construction and the over-imprisonment of non-violent offenders. But these notions misstate the facts.

- CA’s use of prison is not unusual given U.S. standards — it is mostly dictated by our large resident population and their arrests.

But other states are doing better. Requires better diagnosis of the problem.
But California Corrections Stands Alone in Significant Ways
#6: CA Releases Most Inmates at a Predetermined Date – Without Parole Hearing

Blue = 16 Determinate Sentencing States
CA & Illinois the only large states without discretionary parole release & with universal parole supervision
#7: WE DO NOT HAVE THE HIGHEST RATE OF RE-ARREST

Parolee Rearrest Within 3 Yrs of Release, Controlling for Demographic and Criminal Record
#8: We **Do** Have the Highest Return-to-Prison Rate – Caused by Parole Violators

Figure 4: Number of Felons Flowing Into California Prisons By Source

- **Felon Newly Admitted From Court**
- **Parole Violators With A New Term**
- **Parole Violators Returned To Custody**
#9: But 80% of Parole Violations Involve New Criminal Behavior

Administrative, Criminal Violations are 80% of "Technical" Violations

Administrative, Non-Criminal Violations are just 20% of "Technical" Violations

Just 15,000 of parole returns are “true” technical violators
CA Prisoners Return to Prison Repeatedly--
Months Free and Months Re-Incarcerated
Shorter than Elsewhere

9.3 Months
7.9 Months
67% returned to
Prison at least once
9.4% had 6+ prison
returns in 7 yrs.

20 Months
14 Months
50% returned to
prison at least once
0.1% had 6+ prison
returns in 7 yrs.

Most prisoners spend their lives cycling in and out, “doing life on the installment plan”

**Causes:**
- determinate sentencing
- universal parole supervision
- processing new crimes as parole violations
- lack of in-prison and post-prison programming
- the continuing criminality of the prisoner
#10 California Inmates Have Greater Unmet Treatment Needs. E.g., Drugs

- Drug 'high need' inmates in professionally-run drug program
- Drug 'high need' inmates in other drug program
- Drug 'high need' inmates in no drug program

<table>
<thead>
<tr>
<th>State</th>
<th>California</th>
<th>New York</th>
<th>Texas</th>
<th>US (Minus CA)</th>
<th>US (Total)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drug 'high need' inmates</td>
<td>6.8%</td>
<td>9.0%</td>
<td>27.1%</td>
<td>27.7%</td>
<td>30.1%</td>
</tr>
<tr>
<td>Drug 'high need' inmates in professionally-run drug program</td>
<td>2.5%</td>
<td>14.3%</td>
<td>47.1%</td>
<td>48.2%</td>
<td>49.2%</td>
</tr>
<tr>
<td>Drug 'high need' inmates in other drug program</td>
<td>43.6%</td>
<td>14.4%</td>
<td>46.7%</td>
<td>48.2%</td>
<td>49.2%</td>
</tr>
<tr>
<td>Drug 'high need' inmates in no drug program</td>
<td>46.7%</td>
<td>14.3%</td>
<td>14.4%</td>
<td>11.5%</td>
<td>10.9%</td>
</tr>
</tbody>
</table>
Nearly 1 in 5 CA Parolees at Large

"Just one more thing......"
Woman Stomped to Death on Skid Row

Parolee is held. Case highlights risk posed by concentration of freed felons, officials say.

By Cara Mia DiMassa and Richard Winton
Times Staff Writers

May 10, 2006

A 49-year-old woman died after being viciously stomped by a homeless man on skid row in a case that city officials said Tuesday was district.

Authorities are trying to determine the relationship between the suspect and his alleged victim, Kristi Morales. Witnesses said he knew near 5th and San Julian streets and stomped her for several minutes.

Police said a passerby attempted to intervene three times, but each time, the suspect, 52-year-old Gregory Hampton, knocked the Morales.

Eventually, the passerby flagged a passing police officer, who arrested Hampton.

But it was too late for Morales, who was brain dead, according to authorities.

The department of corrections did not return calls Tuesday seeking comment, and police officials said that they have been frustrated by the deep investigation of Morales' death.

At a news conference Tuesday, Bratton called Hampton "a career criminal preying on society."

"He should not have been on the street," Bratton said.
Who is Responsible?

- CDCR only partly responsible
  - Those motivated to change, didn’t get treatment
    - Yes, make available evidence-based programs.
    - But crowding, gangs, staff and funding impede.

- Legislature equally to blame since they decide who gets released, when
  - Those unmotivated to change are released regardless of dangerousness

- Police and Parole agents trying to fix what they see wrong with the ‘catch-and-release’ system

- Current debate hasn’t recognized the Legislature’s role
What to do?
Petersilia’s Reform Agenda

- Restore more discretion to sentencing and prison release decisions
  - Inmates should gain value for program participation
  - State should be able to deny release to dangerous inmates
  - Requires Legislature

- Discontinue universal parole supervision
  - Low risk inmates having served less than 2 years not supervised unless high-need

- All new crimes by parolees prosecuted as new crimes not parole violations
  - Requires Police, DA, Community

- Transition inmates who have served 5-yrs or more through reentry centers, halfway houses, or work furlough

- Low and medium risk parolees can participate in ‘earned parole discharge’—earn their way off parole at end 12 months through good acts and behavior

- High risk parolees—identified with validated risk prediction instrument—supervised more closely. GPS used when justified
  - Requires CDCR

- Use intermediate sanctions to punish new technical violations. Combine with a parole violation grid to control disparities

- Deliver proven work, education, and substance abuse programs to selected inmates with 1 year left to serve
Minimally, We Should Debate the Facts

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THANK YOU
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