



Understanding California Corrections: Summary

Joan Petersilia, Ph.D.

On July 1, 2005, a remarkable thing happened in California. With little fanfare, the Department of Corrections became the Department of Corrections and *Rehabilitation* (CDCR)—reflecting Governor Arnold Schwarzenegger’s desire to return to a strategy that was all but discarded nearly three decades ago. The department’s change in title reflects a shift in attitudes that has the potential to improve public safety, save money, and make it more likely that individuals who have committed crimes will choose to turn their lives around.

This change of strategy comes at a time when California’s correctional system is clearly in trouble. The total inmate population is at an all-time high of 168,350—a 3.5% increase in just one year—which has made prisons seriously overcrowded and compromised safety as well as the ability to deliver needed programs.

The state’s approach to corrections is enormously expensive—and enormously ineffective. Although California spent more than \$7 billion on its correctional system in 2005–2006, it produced one of the highest recidivism rates in the nation. In 2003, the Little Hoover Commission concluded that the state’s parole system was nothing short of a “billion-dollar failure.”

But corrections is highly politicized and hard facts tend to be surprisingly scarce. Most Californians, including elected officials, become puzzled when trying to separate the reality from the fiery rhetoric. Is it true that California prisoners are more serious offenders than those in other states? Are there subgroups of prisoners who could be released without posing a significant public threat? Is it possible to divert technical parole violators to community programs, or would that threaten public safety? Why is the cost of corrections so high in California, and is the state getting good value for its money? What role do prison gangs and the powerful prison guard union play in the prison culture? Does California *really* have the highest recidivism rate in the nation and, if so, what accounts for it?

These are tough questions, and the author has been asked all of them in the past two years as she helped top corrections officials and Governor Schwarzenegger’s administration tackle prison reform. Unfortunately, data to answer these questions—if they exist at all—are spread across more than 80 separate CDCR databases, most of which can’t be linked.

Surprisingly, California has no longitudinal study of who comes into prison, what their experiences are like, and how those experiences affect post-prison behavior—making it impossible to accurately project the costs and benefits of prison versus alternative sentencing policies. In fact, almost no information exists concerning most of the important questions being asked of corrections officials, and understanding what is available is a difficult undertaking. The research unit of the former California Department of Corrections was abolished in the mid-1990s and was only reestablished as part of the CDCR reorganization in July 2005.

This Brief outlines a report that assembles and summarizes existing data about California corrections in the hope that reform can be discussed on the basis of evidence rather than politics. The report’s principal findings are below.

CALIFORNIA CORRECTIONS: REASONS FOR CONCERN

California has the largest prison population of any state in the nation, with 168,000 inmates in 33 adult prisons, and the state’s annual correctional spending, including jails and probation, amounts to \$8.92 billion. California’s prisons currently operate at nearly 200% of their intended capacity, making them dramatically overcrowded. Their population will reach 180,000 by 2010 and 190,000 by 2015 unless the state changes its criminal justice system.

Despite the high cost of corrections, California provides fewer programs for prisoners than comparable states, and its inmate-to-officer ratio is considerably higher.

California’s high recidivism rates are clearly unacceptable. However, when one defines recidivism equivalently across states, using the same follow-up period, and compares similarly serious offenders, California’s technical parole violation rates are significantly higher. (In fact, they are the highest in the nation, which is what keeps its prisons full, as discussed later.) Its rates of new arrests and new criminal convictions are not the highest in the nation, nor are they markedly different from those found in many other large states (e.g., Florida, Illinois, New York).

California’s crime rate is considerably lower today than it was in the past, but so are crime rates across the nation. Data suggest that crime rates dropped in the 1990s because

of a number of factors, including demographic changes (the aging of the baby boom generation), aggressive policing, and longer prison sentences instituted in the 1980s. Because of the criminal justice system's tendency to act as a "correctional filter," diverting all but the most serious offenders from state prison, the majority of California offenders are in the community on probation or in county jail. Reforms that treat *only* prisons fail to address the significant structures—such as jails and probation—that actually handle the vast majority of the state's convicted criminals. This is particularly the case because California's use of its prisons is actually quite ordinary in many ways compared to the rest of the country, whereas in other areas the state's approach differs markedly from national norms.

The odds of a serious reported index crime ultimately producing a prison sentence are about 5% in California, which is similar to the current national average. (Part 1 index crimes consist of rape, robbery, murder, aggravated assault, burglary, larceny, theft of a motor vehicle, and arson.) Although the probability of prison relative to reported crime has risen in California over the past 20 years as a result of tough-on-crime legislation (it was 2% in 1983), it is still the case that 95% of reported index crimes do not result in prison sentences.

California's large prison population is generally a function of the state's large population rather than an unusually high probability of imprisonment upon conviction or an unusually high crime rate. (However, its rate of technical violations is the highest in the nation and keeps prisons full, a point discussed elsewhere).

California is the nation's most populous state, with about 34 million residents, and California's prison population is also the largest in the nation. However, the U.S. Department of Justice reports that California's rate of prison incarceration—that is, the percentage of its resident population in prison on any one day—is not unusually high when compared to other states. In 2004, it was only slightly above the national average (456 per 100,000 California residents, versus the U.S. average of 432 per 100,000). Texas, with about 22 million residents—13 million fewer than California—has virtually the same number of prisoners.

However, several other large states (Illinois, New York, Pennsylvania, Ohio) have a lower percentage of residents in prison on any one day and have lower crime rates than California's. Moreover, the U.S. incarceration rate is far higher than that of other industrialized nations, particularly for drug offenders. Finally, it is important to note that these are one-day counts; the *lifetime probability* of serving a prison sentence in California and the nation is much higher than California's one-day rate of 1 out of 219, and much higher in certain age and racial groups (particularly black males in their 20s and 30s).

Other large states (e.g., Illinois, Ohio, Washington, and New York) have managed to stabilize or reduce their prison populations in recent years by using a variety of intermediate sanctions (e.g., house arrest, intensive supervision, day-reporting centers) to respond to technical parole violations.

California has few such programs. In 2001 (the latest year for which information is available), California officials returned 18,000 purely technical violators (who failed a drug test or missed appointments) to prison. In many other states, these parolees would have been kept in the community under an intermediate sanction program.

GOVERNING CALIFORNIA'S PRISONS

California classifies prison inmates into four housing categories based on such factors as criminal history, gang affiliation, and propensity for violence. This classification system has shown that the majority of California inmates should be housed in "medium" security facilities, a statistic that is roughly comparable with national norms. One in five (21%) California prisoners are classified minimum risk, which is also similar to other states.

However, classification scores are disregarded through administrative override in 25% of all California housing assignments. Lack of space to house inmates is a critical issue, and it frequently results in inmates being moved to higher-security facilities despite classification scores that suggest such housing is unnecessary. Higher-security cells cost more to operate, and prisoners sent there have less opportunity to participate in work or rehabilitation programs.

California's spending on prisons has been growing compared to its spending on other budgetary areas, with the percentage of the general fund consumed by correctional programs quadrupling since 1981. The state budget for corrections in 2005–2006 equals \$7 billion and consumes 8.2% of general-fund expenditures.

California's correctional officers are unionized and belong to the California Correctional Peace Officers Association. CCPOA is the most successful correctional union in the nation, and with more than 33,000 members and yearly membership dues totaling \$23 million, it has become a powerful political force in California.

California pays its correctional staff considerably more than the national average. Average California correctional officers now earn \$59,000 per year, 58% more than correctional officers nationally. Despite their high salaries, CDCR has an average staff vacancy rate of 20%.

California's inmate-to-staff ratio is among the highest in the nation. The latest figures show that there were 6.46 inmates per California correctional officer, compared to a national average of 4.47 inmates per correctional officer. Despite these working conditions, California has one of the lowest prison escape rates in the nation.

Many correctional officers work a great deal of overtime, making up for lack of staff but charging taxpayers dearly for their time. With overtime, it is not uncommon for California prison guards, who are only required to be high school graduates, to earn over \$100,000 a year. On the other hand, the turnover rate for California correctional staff is much lower than it is in comparable states, which should produce a more professionalized and trained workforce.

ESCAPES, SUICIDES, HOMICIDES, ASSAULTS, AND PRISON GANGS

Rates of reported prison assault, homicide, and suicide are higher in California than the national average. However, research shows that suicide and homicide rates increase as the inmate population ages and the length of term increases. Both of these factors characterize California's prison population and may account for the state's higher-than-average numbers. Experts also attribute increases in inmate-on-inmate violence to prison crowding and increased gang activity.

California is the birthplace of America's most notorious prison gangs, and is said to hold the largest group of gang-affiliated prisoners. Seven prison gangs are recognized as operating in the prison system, and an estimated 7,700 (or about 5%) of current inmates have been 'validated' as members or associates of a prison gang, or a disruptive group (gangs originating in the streets rather than the prison). Of course, gangs operate in secrecy, so there is no way of knowing the real threat they pose. Gang affiliation has been shown to increase prison violence, all forms of prison misconduct, and crime on the streets.

California's approach, like that of most other states, is to confine identified gang members in security housing units (SHUs), where confinement to their cells for more than 22 hours a day is designed to both punish gang members and reduce their influence on the general prison population. Four of California's prisons currently have SHU units, and approximately 3,000 (2%) of inmates are housed in them.

PRISON PROGRAMS: NEEDS VERSUS TREATMENT RECEIVED

Fewer California inmates participate in rehabilitation programs than those in comparable states, although its inmates have higher-than-usual needs for alcohol and drug-abuse programs. Forty-two percent of California inmates are estimated to have a "high need" for alcohol treatment (43% nationally), but only 7.5% of those will participate in some alcohol treatment in prison (18% nationally). The need is even greater for drugs. Fifty-six percent of all California inmates have a "high need" for drug treatment (49% nationally), but only 9% of those will participate in drug treatment in prison (19% nationally).

WHO IS IN PRISON? DEMOGRAPHICS, CONVICTION OFFENSES, AND CRIMINAL RECORDS

California's inmates are older than the national average, older than past inmates, and are more likely to grow old behind bars than they were in the past. The average age of a California male prisoner is currently 36 years old, a female prisoner, 37 years old. As inmates age, the cost of providing their health care increases and the incapacitative benefits of keeping them in prison declines.

The number of female inmates, though still far smaller than the number of male inmates, is steadily increasing

and now accounts for 6.6% of the California prison population. This change means higher costs related to providing medical care and other services.

Ethnic minorities are overrepresented in California prisons, with the numbers of Latinos behind bars increasing dramatically in recent years. The Latino male and female imprisonment rates are out of proportion to their growth in the resident population.

Increases in California's prison population in recent years are attributable more to violent crime than to drug-related offenses.

- Prison population increases for males in recent years are primarily due to violent crimes against persons.
- Prison population increases for females are primarily due to crimes against persons and property crimes.
- While the number of prisoners convicted for drug crimes has increased over the past 20 years, drug convictions are not the primary driver of increased prison commitments.

In general, California's inmates have more extensive criminal records than their out-of-state counterparts, but they are no more likely to be serving time for a violent offense than individuals in other states. These extensive criminal records, in many cases, are a function of the unusual way that California's parole revocation system operates.

GOING HOME: PRISON RELEASE AND PAROLE SUPERVISION

California is almost alone in the nation in combining mandatory parole supervision with a determinate sentencing scheme. This hybrid system mandates automatic release of almost all inmates after they complete a statutorily defined percentage of their sentences, and imposes automatic parole supervision on all prisoners at release, regardless of inmates' risk of re-offending.

By national standards, the length of parole supervision California imposes at release is not particularly long (one to three years), but few parolees complete it without a revocation. At revocation, the clock stops on their required parole term and starts again at subsequent prison release. Parolees call this doing 'life on the installment' plan, because many of them are unable to ever earn their way off parole.

California's determinate sentencing system is widely regarded as a failure—even by its creators. It has both reduced incentives for inmates to participate in rehabilitation programs while in prison and tied the state's hands in dealing with particularly dangerous offenders whose mandated sentence has elapsed.

The majority of parolees actually receive very little supervision. Fully 65% see their parole officer no more than twice every three months. About one in four (23%)

parolees see their parole officer only once every three months. Even "high control" and "high risk sex offenders" have only two face-to-face contacts per month with their parole officer.

In 1999, in the only comprehensive follow-up study of California parolees, Williams, McShane, and Dolny found that only one in five supported themselves primarily through legitimate employment in the year after prison, and 6.5% of all parolees were primarily homeless that year.

UNDERSTANDING CALIFORNIA'S RECIDIVISM: FROM "TECHNICAL VIOLATIONS" TO "CATCH AND RELEASE" POLICIES

Though California is frequently described as having the nation's "worst" recidivism rate, the biggest factor driving up this statistic compared to other states is California's heavy use of "administrative returns"—so-called "technical violations." Most observers do not understand California's unique parole revocation process and how differently things are classified here. Technical violations are often used to address new charges of serious crimes (such as rape, homicide, and robbery), whereas other states may be more likely to prosecute these offenses as new criminal cases. In California, only 20% of the technical violations are for administrative, noncriminal matters.

Because the average time served for an administrative criminal return is only 5.4 months, California's heavy use of technical violations tends to send offenders back to prison for very short stints and then put them quickly back on the street. This "catch and release" system results in inmates "churning" through the system repeatedly. Researchers Blumstein and Beck found that nearly 10% of California prisoners cycled in and out of prison *six or more times over a seven-year follow-up period*. No comparison state reported such high churning rates.

California is using resources to send individuals in and out of prison irrespective of the risk posed by any given person. As a result, a large percentage of nonviolent criminals accumulate extensive criminal records as a souvenir of the "catch and release" system. Despite their records, they may not be any more dangerous than their counterparts in other states who are successfully handled through an array of community-based intermediate sanctions. On the other hand, the state's sentencing system also releases violent offenders who amass lengthy criminal records—individuals who, in a system more carefully tailored to protect public safety, probably should not have been released in the first place.

CONCLUDING REMARKS

This report makes several basic suggestions for policy changes related to the shift toward rehabilitation. It also calls for patience. Those who have studied what it takes to successfully reform public institutions say three things are necessary: resources, commitment, and time—with time being the most important. Frederick Hess, who has written books on educational reform, says it takes a

minimum of five years to accomplish observable reform, and RAND puts the time period at eight years.

Each suggestion below is oriented toward creating the structural changes to facilitate the re-introduction of rehabilitation as a meaningful concept in California corrections:

- Restore some level of discretion to decisions about sentencing and release so that inmates feel that responsible behavior has value and so the state can deny early release to individuals considered particularly dangerous. One viable approach might be the "presumptive sentencing" model suggested by the Independent Review Panel in 2004..
- Prioritize the delivery of programs that may actually help inmates address their profound and widespread problems with substance abuse, lack of education, and lack of job skills. The politically expedient effort to cut or deprioritize such programs because they "coddle criminals" has been extremely short-sighted and ultimately threatens public safety.
- Employ parole supervision in a more selected and concentrated way, so that it targets the most likely re-offenders. End or dramatically reduce the imposition of parole on those who are least likely to re-offend, which wastes resources and provides a negligible public safety benefit. Prosecute serious crime when possible rather than using administrative returns as a quick fix. Move away from the "catch and release" approach, with its resultant inmate "churning," to the greatest extent possible.
- Develop program changes on the basis of *solid research and empirical evidence* suggesting the effectiveness of whatever modifications are implemented. Rigorously designed studies demonstrating the effectiveness of particular programs in reducing recidivism will increase public support for such programs and, more importantly, improve the odds that the programs will improve public safety. Requiring rehabilitation programs to collect information on the scope and quality of the services they deliver can also bolster credibility and effectiveness. California must end its "drive-by" correctional policy changes, where sentencing, incarceration, and parole practices have been modified based on legislative whims and public anxieties.

This is a summary of the report *Understanding California Corrections* by Joan Petersilia, University of California Irvine, and published by the California Policy Research Center. The full report is available at <http://ucicorrections.seweb.uci.edu/> or <http://www.ucop.edu/cprc/#>.