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Criminal Justice Reform Is Working in California

Advancing Reform Efforts Is Critical for Black and Latinx Californians and Their Families

Over many years, California lawmakers and voters adopted a series of harsh, one-size-fits-all sentencing laws that prioritized punishment over rehabilitation, led to severe overcrowding in state prisons, and disproportionately impacted Black and Latinx Californians – consequences that many families still feel today. California began reconsidering its “tough on crime” approach a little over a decade ago as prison overcrowding reached crisis proportions and the state faced lawsuits filed on behalf of incarcerated adults. Ultimately, a federal court in 2009 ordered California to reduce overcrowding to no more than 137.5% of the prison system’s capacity – an order that remains in effect today.¹

State-level reforms – enacted into law through voter approval of ballot propositions as well as through legislative action – have focused on reducing incarceration, promoting more effective pathways to rehabilitation, and addressing the disparate impacts of criminal justice policies on people of color, particularly Black and Latinx communities.² With these reforms, both the prison population *and* crime rates are down substantially, showing that California’s efforts to reduce mass incarceration, while far from complete, are working.

Summary

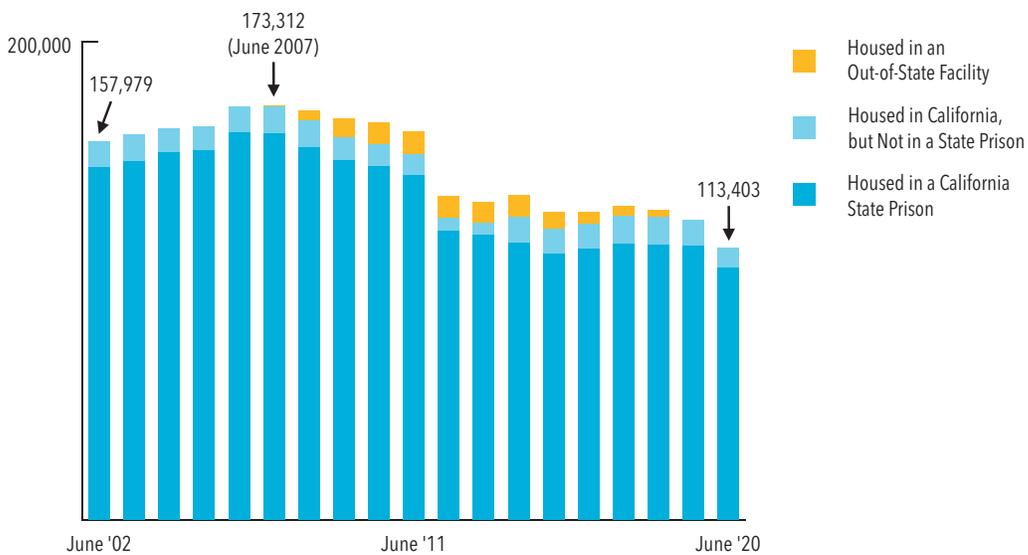
- 1** The Number of Adults Incarcerated by the State Has Declined Substantially
- 2** With Declining Incarceration, California Ended the Use of Out-of-State Prisons and Has the Opportunity to Begin Closing State-Owned Prisons
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1 The Number of Adults Incarcerated by the State Has Declined Substantially

Adults who are incarcerated by the state fall under the jurisdiction of the California Department of Corrections and Rehabilitation (CDCR). Most of these adults – more than 9 in 10 – are held in 34 state-owned prisons. The remaining men and women are housed in other locations throughout California, including in public and private facilities under contract with CDCR. (Until recently, thousands of state prisoners were housed in out-of-state facilities.) The number of adults incarcerated by the state exceeded 173,000 in 2007, when state prisons were crowded to roughly double their capacity. By June 2020 – following years of criminal justice reforms and, more recently, new policies adopted in response to the COVID-19 pandemic – the number of adults incarcerated had dropped by more than one-third, to 113,403.³

The Number of California Adults Incarcerated by the State Is Down Substantially Compared to a Decade Ago

Incarcerated Adults by Type of Facility and Location as of June 30 of Each Year



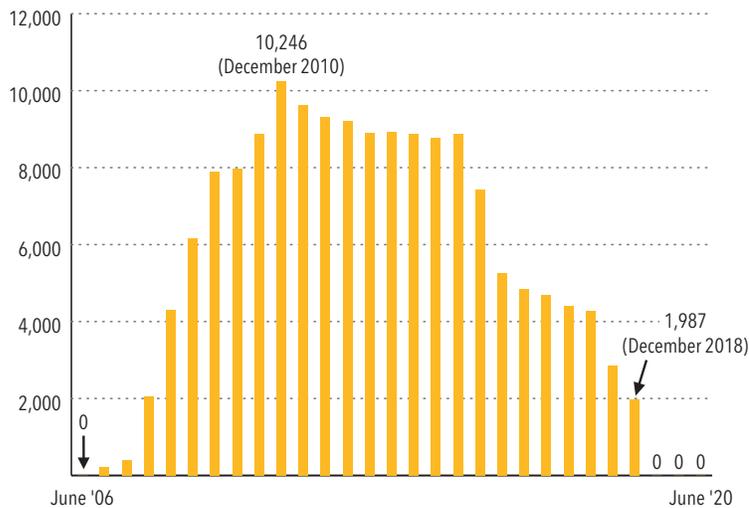
Source: California Department of Corrections and Rehabilitation

2 With Declining Incarceration, California Ended the Use of Out-of-State Prisons and Has the Opportunity to Begin Closing State-Owned Prisons

In 2006, California began transferring incarcerated adults to facilities in other states to help reduce overcrowding in state prisons. State policymakers adopted this approach even though “out-of-state private prisons create significant barriers to rehabilitation and humane conditions of care.”⁴ The number of Californians moved out of state peaked at more than 10,000 in the early 2010s. However, as incarceration declined, California was able to gradually reduce its reliance on facilities in other states before finally terminating its last out-of-state contract in June 2019. Moreover, due to the ongoing decline in the prison population, California is on track to soon end the use of all *in-state* contract facilities for men, and the recently enacted 2020-21 budget package envisions closing two state-owned prisons in the coming years.⁵

By Reducing Overcrowding in State Prisons, California Was Able to End the Use of Out-of-State Facilities in 2019

Californians Housed in Out-of-State Prisons as of June 30 and December 31 of Each Year



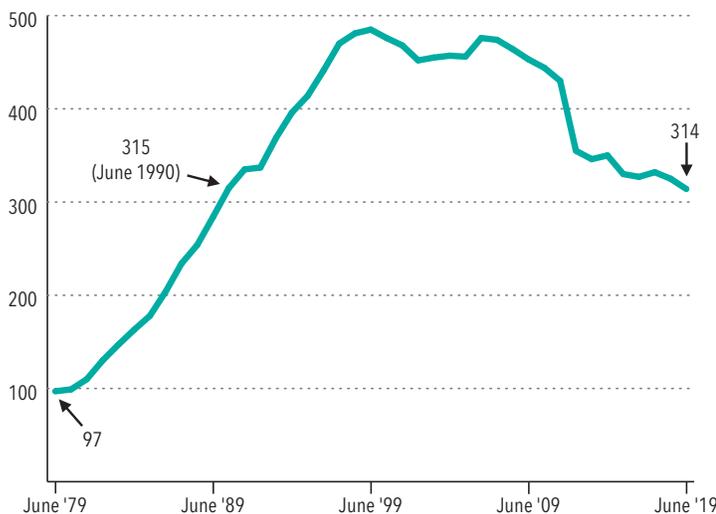
Source: California Department of Corrections and Rehabilitation

3 California's Incarceration Rate for Adults Has Fallen to a Level Last Seen in the Very Early 1990s

As California implemented criminal justice reforms, the incarceration rate – the number of adults incarcerated by the state for every 100,000 residents – has plummeted. California's state-level incarceration rate dropped to 314 per 100,000 in June 2019, down by more than one-third (34%) from the recent peak of 476 per 100,000 in June 2006. Moreover, the June 2019 incarceration rate was slightly below the June 1990 level of 315. Still, incarceration of California men and women – disproportionately Black and Latinx Californians – remains high compared to earlier years. For example, in the late 1970s the state incarcerated fewer than 100 people for every 100,000 residents.

As California Has Rolled Out Criminal Justice Reforms, the Incarceration Rate Has Fallen to Below the June 1990 Level

Number of Adults Incarcerated by the State Per 100,000 Californians



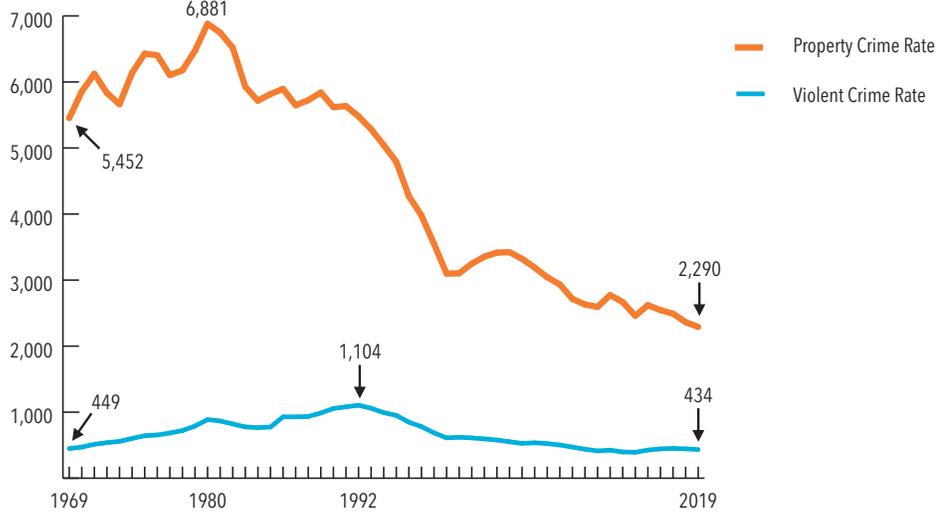
Note: Reflects adults housed in state prisons as well as in other facilities in and outside of California. Figures are as of June 30 of each year. Source: Budget Center analysis of data from the California Department of Corrections and Rehabilitation and the Department of Finance

4 Meanwhile, California’s Property and Violent Crime Rates Remain at Historic Lows

California’s property crime rate – the number of property crimes per 100,000 residents – was 2,290 per 100,000 in 2019, far below the peak of 6,881 in 1980. The violent crime rate was 434 per 100,000 in 2019, less than half the peak of 1,104 in 1992. This latter rate is up modestly compared to the low of 393 per 100,000 in 2014, partly due to technical factors.⁶ Nonetheless, California’s violent crime rate resumed its decline after 2017 and is now below the 1969 rate (449 per 100,000).

Property and Violent Crime Rates in California Remain Well Below the Peaks of the Past Five Decades

Property and Violent Crimes Per 100,000 Californians



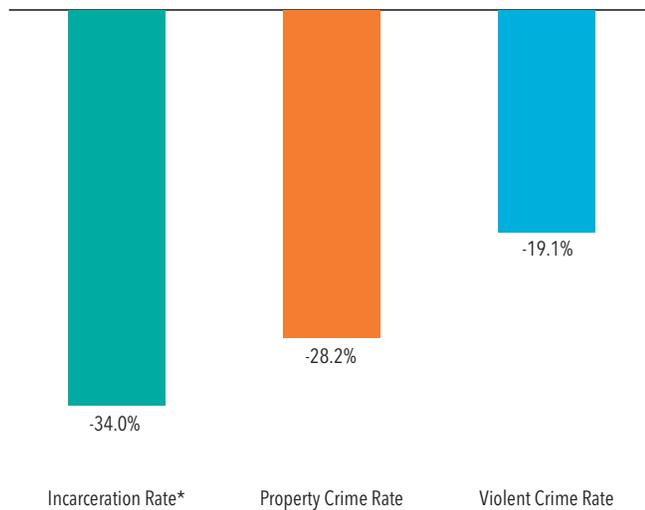
Note: Property crimes consist of burglary, motor vehicle theft, and larceny theft, which includes both felony and misdemeanor larceny theft. Violent crimes consist of homicide, rape, robbery, and aggravated assault. Figures are rounded to the nearest whole number.
Source: California Department of Justice

5 California’s Incarceration Rate and Crime Rates Are All Down Substantially Since the Mid-2000s

Incarceration and crime rates are all down substantially compared to their levels in 2006 – shortly before state policymakers and the voters began enacting reforms to California’s criminal justice system. As noted above, the incarceration rate of adults dropped by more than one-third (34%) from June 2006 – the recent peak – to June 2019. During approximately the same period (2006 to 2019), California’s property crime rate fell by more than one-quarter (28%) and its violent crime rate declined by nearly one-fifth (19%). These statistics contradict the common, yet unsubstantiated, claim that reducing mass incarceration will cause crime rates to spike. In fact, California’s experience and a large body of research highlight the weak link between incarceration and crime.⁷

California’s State-Level Incarceration Rate and Crime Rates Are All Down Substantially From the Mid-2000s

Percent Change in Incarcerated Adults and Crimes Per 100,000 Californians, 2006 to 2019



* Change in incarceration rate is based on the number of adults incarcerated by the state on June 30, 2006 compared to June 30, 2019.
 Source: Budget Center analysis of data from the California Department of Corrections and Rehabilitation, the California Department of Justice, and the Department of Finance

Conclusion

California's experience with criminal justice reform provides further evidence that reducing mass incarceration of men and women can go hand-in-hand with lower crime rates. But California's work is not done – policymakers can and should do more to decrease incarceration of Californians, particularly given the impact of the COVID-19 pandemic on incarcerated adults, prison staff, families, and surrounding communities. This is especially important for Black and Latinx men and women and their families, who are bearing the greatest burdens of COVID-19 in prisons and the broader community. In recent weeks, the state has been moving in the right direction: The prison population has fallen more rapidly than anticipated due to early releases and other policies advanced by Governor Newsom to slow the spread of the coronavirus behind prison walls. With these steps, the Governor has created an opportunity to plan for the closure of *several* state-owned prisons over the next several years – assuming, at a minimum, that current criminal justice reforms remain in place and that the state prison population does not again begin to rise.

Downsizing California's costly prison infrastructure would allow the state to reduce the size of the corrections footprint on the state budget. This, in turn, would free up resources that could be used for reentry assistance and other services that can help to promote rehabilitation, reduce poverty, and strengthen families and communities – particularly Black and Latinx communities, which have been disproportionately impacted by the pandemic and the deep recession that it triggered as well as by generations of discrimination at the hands of the criminal justice system.

Scott Graves prepared this *5 Facts*. The Budget Center was established in 1995 to provide Californians with a source of timely, objective, and accessible expertise on state fiscal and economic policy issues. The Budget Center engages in independent fiscal and policy analysis and public education with the goal of improving public policies affecting the economic and social well-being of low- and middle-income Californians. General operating support for the Budget Center is provided by foundation grants, subscriptions, and individual contributions. Please visit the Budget Center's website at calbudgetcenter.org.

ENDNOTES

- ¹ The US Supreme Court upheld this order in 2011. California has been in compliance with this order since February 2015. See California Department of Corrections and Rehabilitation, *Three-Judge Court Monthly Update* (July 2020).
- ² For an overview of key state-level reforms, see Scott Graves, *State Corrections in the Wake of California's Criminal Justice Reforms: Much Progress, More Work to Do* (California Budget & Policy Center: October 2018), pp. 4-10.
- ³ CDCR's in-custody population further declined to 103,169 as of August 12, 2020. This substantial ongoing decline reflects early releases and other policies adopted by the Newsom Administration that are intended to slow the spread of the coronavirus in state prisons.
- ⁴ Randall G. Shelden and Selena Teji, *Collateral Consequences of Interstate Transfer of Prisoners* (Center on Criminal and Juvenile Justice: July 2012), p. 4.
- ⁵ Department of Finance, *California State Budget 2020-21* (June 2020), p. 80.
- ⁶ Technical factors "related to crime classification and reporting" contributed to the slight – yet temporary – uptick in violent crime rates after 2014. Mia Bird, et al., *The Impact of Proposition 47 on Crime and Recidivism* (Public Policy Institute of California: June 2018).
- ⁷ Don Stemen, *The Prison Paradox: More Incarceration Will Not Make Us Safer* (Vera Institute of Justice: July 2017).