



PPIC

PUBLIC POLICY
INSTITUTE OF CALIFORNIA

MARCH 2016

**Mia Bird,
Sonya Tafoya,
Ryken Grattet, and
Viet Nguyen**

*Supported with funding
from The California
Endowment*

How Has Proposition 47 Affected California's Jail Population?



© 2016 Public Policy Institute of California

PPIC is a public charity. It does not take or support positions on any ballot measures or on any local, state, or federal legislation, nor does it endorse, support, or oppose any political parties or candidates for public office.

Short sections of text, not to exceed three paragraphs, may be quoted without written permission provided that full attribution is given to the source.

Research publications reflect the views of the authors and do not necessarily reflect the views of the staff, officers, or board of directors of the Public Policy Institute of California.

SUMMARY

CONTENTS

Introduction	4
How Much Did Proposition 47 Reduce the Jail Population?	6
How did Changes in Capacity Releases Mitigate the Effects of Prop 47?	13
Conclusion	15
References	16
About the Authors	17
Acknowledgements	17

Technical appendices to this report are available on the PPIC website:
www.ppic.org/content/pubs/other/0316MB3R_appendix.pdf

Proposition 47 reduced the penalties associated with certain drug and property crimes by preventing prosecutors from charging these offenses as felonies in most cases. The proposition passed with strong support from California voters in November 2014. In the months that followed, jail populations declined sharply, driven primarily by a reduction in individuals being held or serving time for Prop 47 offenses. Based on a sample of California county jail systems, we estimate a 50 percent decline in the number of individuals being held or serving sentences for Prop 47 offenses. This change drove an overall decline in the jail population of 9 percent in the year following the proposition’s passage.

Four key mechanisms drove this decline in the jail population. First, we find an immediate decline in new bookings on arrests and warrants for Prop 47 offenses, reducing the flow of individuals into the jail system. Second, we also see a decline in the number of convictions for these individuals. Third, we find the share of Prop 47 defendants receiving pretrial releases increased. Finally, we see a decline in the average length of stay for sentenced offenders, which resulted in less custody time.

While all counties under study experienced jail population declines after Prop 47, we find those counties with overcrowded jail facilities used some of this newly available jail space to house offenders they would have otherwise had to release early due to jail capacity constraints. This increased flexibility has resulted in a reduction in early releases for offenders with more serious charges.

Taken together, we find significant changes in the level and composition of those incarcerated in jails following the passage of Prop 47. These changes suggest there are important public safety trade-offs to consider in evaluating the proposition’s effects, including crime and recidivism outcomes for Prop 47 offenders and those with more serious charges. In addition, a key component of Prop 47—the reinvestment of state correctional savings in behavioral health treatments and other prevention programs—has not yet been realized. A complete assessment of the effects of Prop 47 will need to account for the role that these programs may play in improving public safety. This evaluative work will be essential in directing future policy efforts as California pursues effective and efficient criminal justice reforms.

Introduction

California is immersed in a period of fundamental reform to its criminal justice system. In 2011, in the face of rising costs and an overcrowded prison system, California restructured its correctional system through sweeping legislation known as Public Safety Realignment. This reform shifted responsibility for most lower-level felony offenders from state prison and parole systems to county jail and probation systems. Realignment drove down the prison population and resulted in an overall decline in incarceration levels for lower-level offenders in the state (Lofstrom and Martin 2015b). In November 2014, voters approved Prop 47, another significant reform targeted at lower-level offenders. Proposition 47 reduced the penalties associated with a certain set of drug and property offenses by requiring that prosecutors charge them as misdemeanors in most cases.¹

Proposition 47 Offenses

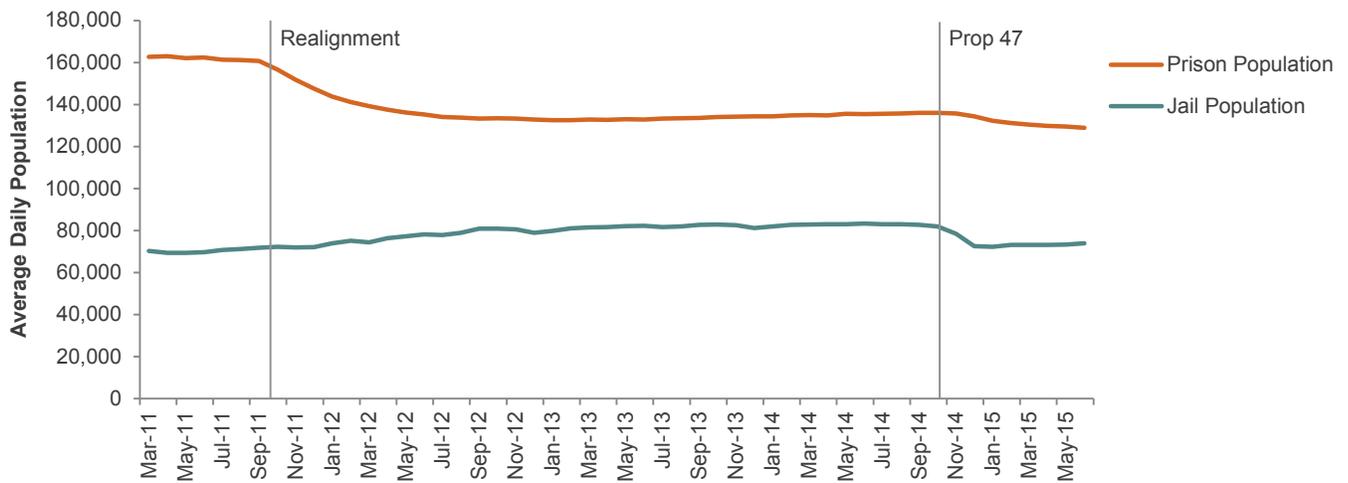
- **Drug possession.** Possession for personal use of most illegal drugs is always a misdemeanor under Proposition 47. Previously, offenders could be charged with a misdemeanor or a felony, depending on the amount and type of drug.
- **Receiving stolen property.** Under Proposition 47, receiving stolen property worth \$950 or less was reduced from a potential felony to a misdemeanor.
- **Theft.** Proposition 47 limits the circumstances under which theft of property of \$950 or less can be charged as a felony.
- **Shoplifting.** Shoplifting property worth \$950 or less is always a misdemeanor. Previously, shoplifting could be charged as a misdemeanor or a felony offense.
- **Writing bad checks.** Under Proposition 47 it is a misdemeanor to write a bad check worth \$950 or less. If the check is worth more than \$950 or the offender has three previous forgery related convictions, the crime is a potential felony offense.
- **Check forgery.** Proposition 47 makes forging a check worth \$950 or less a misdemeanor unless the offender commits identity theft in connection with check forgery. Previously, check forgery was a potential felony offense.

These two major criminal justice reforms—Public Safety Realignment and Proposition 47—have significantly reduced the number of individuals incarcerated in California over the past five years. In the first year of realignment, the prison population dropped by more than 25,000 inmates (Figure 1). Jail populations rose substantially (by about 9,000), but overall incarceration levels fell because the increase in the jail population did not fully offset the decrease in the prison population. However, even with these sizeable declines, the prison population did not fall below the threshold required by federal courts (Lofstrom and Martin 2015b). With the implementation of Prop 47, the prison population finally fell below this threshold.

¹ Individuals previously convicted of murder and certain sex offenses must still be tried for felonies under these charges.

FIGURE 1

Prison and jail populations changed significantly after Realignment and Proposition 47



SOURCE: Author’s calculations based on jail data from the BSCC Jail Profile Survey and prison data from the California Department of Corrections and Rehabilitation.

NOTE: Prison population data includes only inmates housed in CDCR facilities.

In addition to these effects on the state prison population, researchers and analysts also projected that Prop 47 would have large effects on county jail populations, which had grown since realignment (Males and Buchen 2014; Teji and Graves 2014; Lofstrom and Martin 2015a). As shown in Figure 1, we do indeed see that the reported average daily population (ADP) declined by about 8,000 inmates in the period following Prop 47, bringing the jail system as a whole below its rated capacity for the first time since the rollout of realignment.² These trends strongly indicate that Prop 47 led to reductions in the statewide jail population. However, we can gain a more precise understanding of the effects of Prop 47 by focusing specifically on the share of the jail population that is being held or serving sentences for offenses governed by the proposition. To do so, we need to rely on individual-level jail population data, which offer greater depth and flexibility than data currently available on a statewide basis.

In this report, we draw on local criminal justice data collected through a collaborative effort between the California Board of State and Community Corrections (BSCC), the Public Policy Institute of California (PPIC), and a group of California counties.³ These data are drawn from a subset of counties, selected to represent statewide trends but also allow for in-depth analysis of changes occurring at the county level as a result of changes in state policy. In this report, we first identify the share of the jail population that is being held or serving sentences for Prop 47 offenses and estimate how this population has changed over time. We then investigate the ways in which Prop 47 has changed the overall size and composition of the jail population, including changes in arrests, convictions, and the amount of time spent in jail. Finally, we explore how some counties have used the jail space made available by Prop 47 to reduce reliance on early releases, and we discuss the implications of this shift for county savings and public safety.

² Average daily population, or “ADP,” reflects the number of inmates incarcerated within a prison or jail system on an average day. It is a commonly used measure to reflect the size of the jail population relative to the jail capacity because many jail inmates are incarcerated for short terms. This means that the number of individuals moving through the jail system in a given month or year would be much greater than the average inmate population that needs to be housed on any given day.

³ This effort is known as the BSCC-PPIC Multi-County Study (MCS). The California Department of Justice and California Department of Corrections and Rehabilitation have also contributed immensely to this project by providing state data and guidance on data interpretation. See the [technical appendix](#) for more information on these data and the study counties.

How Much Did Proposition 47 Reduce the Jail Population?

Providing a precise analysis of Proposition 47’s effects requires a new approach to estimating California’s jail population. We do so by constructing “custody spells,” which capture all individuals moving through the jail system, even if they spend less than one day in jail, regardless of their status or jurisdiction. This method is distinct from the “daily count” method used by sheriffs, in which specified inmate populations are counted once per day and collated in a monthly ADP report that provides the average of those daily counts.⁴ Our estimates of ADP using custody spells will therefore be somewhat different from the daily count estimates. (See [technical appendix](#) for more detail.)

In the counties we study, our estimate of total jail ADP declined by 4,767 inmates—from 51,151 in October 2014 to 46,384 one year later, a decrease of 9 percent (Figure 2).⁵ To what extent did changes in the Prop 47 population account for these overall changes? To answer that question, we identified those individuals being held or serving sentences for Prop 47 offenses, an effort complicated by the fact that individuals are often in custody for multiple offenses. This meant that we first needed to identify the most serious offense.⁶ If we found that a Prop 47 offense was the most serious, we classified custody time as Prop 47 time. This estimate should be considered a lower bound, as a Prop 47 offense may have contributed to custody time in cases where the dominant offense was more serious.⁷ To account for this possibility, we also estimated an upper bound, which includes jail spells associated with any Prop 47 offense, regardless of whether it was the most serious. Figure 2 illustrates these estimates over a two-year period. Our discussion will focus on the lower-bound estimate, as it is a more conservative measure.

⁴ The daily count method produces the ADP which is reported to the BSCC through the Jail Profile Survey.

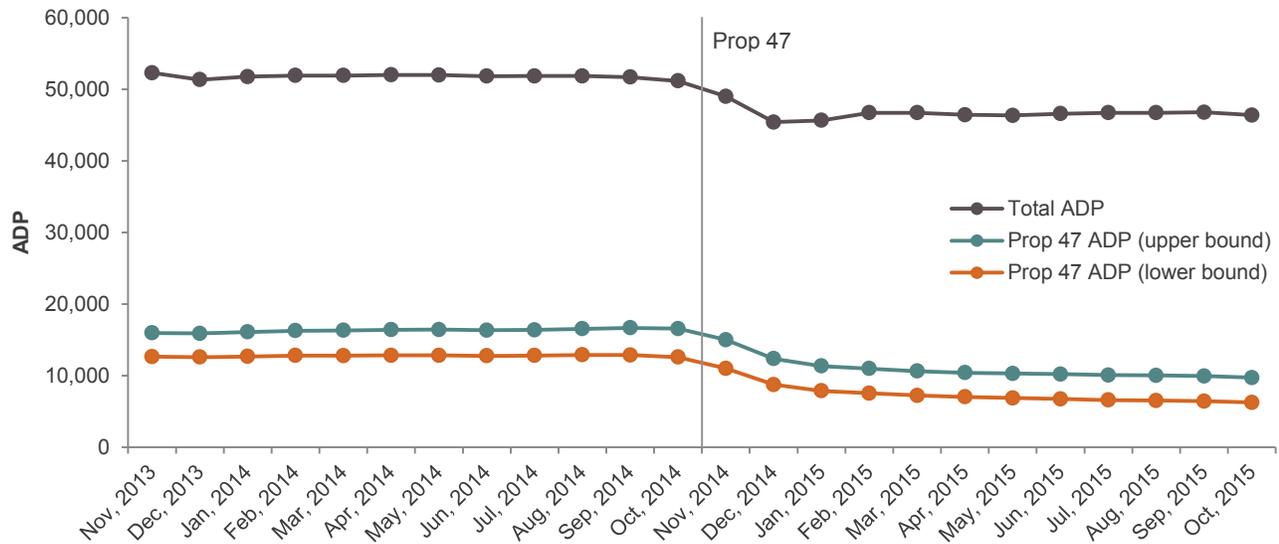
⁵ The Jail Profile Survey, which captures the change in ADP statewide, reports a 9.8 percent decline between October 2014 and June 2015, the latest date for which data is available. A total of 13 counties provided data for this analysis, including Alameda, Contra Costa, Fresno, Humboldt, Kern, Los Angeles, Monterey, Orange, Sacramento, San Bernardino, San Francisco, Shasta and Stanislaus Counties. However, a subset of these counties is used for the main analysis because of persistent data issues in some counties. In the note for each figure, the included counties are listed. The [technical appendix](#) includes analysis for all participating counties.

⁶ To identify the most serious offense, we use an offense hierarchy produced by the California Department of Justice to rank offenses in order of their relative severity.

⁷ It is important to note that in this analysis we do not have access to the kind of extensive criminal history information that would allow for the identification of individuals who, because of past offenses, would not be eligible to be charged with misdemeanor offenses under Prop 47. Given that limitation, we favor the lower bound estimate of Prop 47 ADP.

FIGURE 2

Total ADP and Proposition 47 ADP declined over the implementation period



SOURCE: Author's calculations based on the BSCC-PPIC Multi-County Study data (2013–2015).

NOTE: This figure currently includes data from the following counties: Fresno, Humboldt, Kern, Los Angeles, Monterey, Orange, Sacramento, San Bernardino, San Francisco, and Stanislaus.

The trend in total ADP initially followed the trend in Prop 47 ADP, with sharp declines after the passage of the proposition. However, while Prop 47 ADP continued to decline slowly through the period, total ADP rose slightly. We estimate a Prop 47 ADP decline of 6,334 inmates between October 2014 and October 2015—a 50 percent decline in the size of the jail population held or serving time for Prop 47 offenses in the year after implementation. This finding exceeds our estimate of the total decline in ADP by about 1,500 inmates, suggesting that, if we simply observe changes in the total ADP, we may underestimate the direct effect of Prop 47 on the jail population.

We find the same general pattern across all counties in our study, but we also see variation in the decline in Prop 47 ADP.⁸ For example, San Francisco County appeared to have relatively low declines—from 280 to 231 individuals, or 18 percent. However, San Francisco devoted only 21 percent of its jail space to individuals being held or serving sentences for Prop 47 offenses in October 2014. In contrast, we estimate that both Fresno and Los Angeles Counties allocated 27 percent of their jail space to those being held or serving sentences for Prop 47 offenses in October 2014. One year later, Fresno County had reduced its Prop 47 ADP by 62 percent and Los Angeles County had reduced its Prop 47 ADP by 47 percent, among the largest declines in the county group. These examples suggest that there is an important relationship between the effects of the proposition and local practices and constraints.

The observed declines in Prop 47 ADP and total jail ADP may reflect underlying changes in the flow into jails and changes in the length of time individuals are held in jail custody. In addition, Prop 47 allowed individuals convicted prior to November 2014 to petition for shorter sentences, which also likely played a role in the declining ADP we observe.⁹ In the next section, we explore some of these factors, including changes in bookings into jail on arrests or warrants, changes in convictions, and changes in the length of time spent in custody.

⁸ This estimate represents the change in monthly ADP between October 2014 and October 2015 for total ADP and the lower bound measure of Prop 47 ADP.

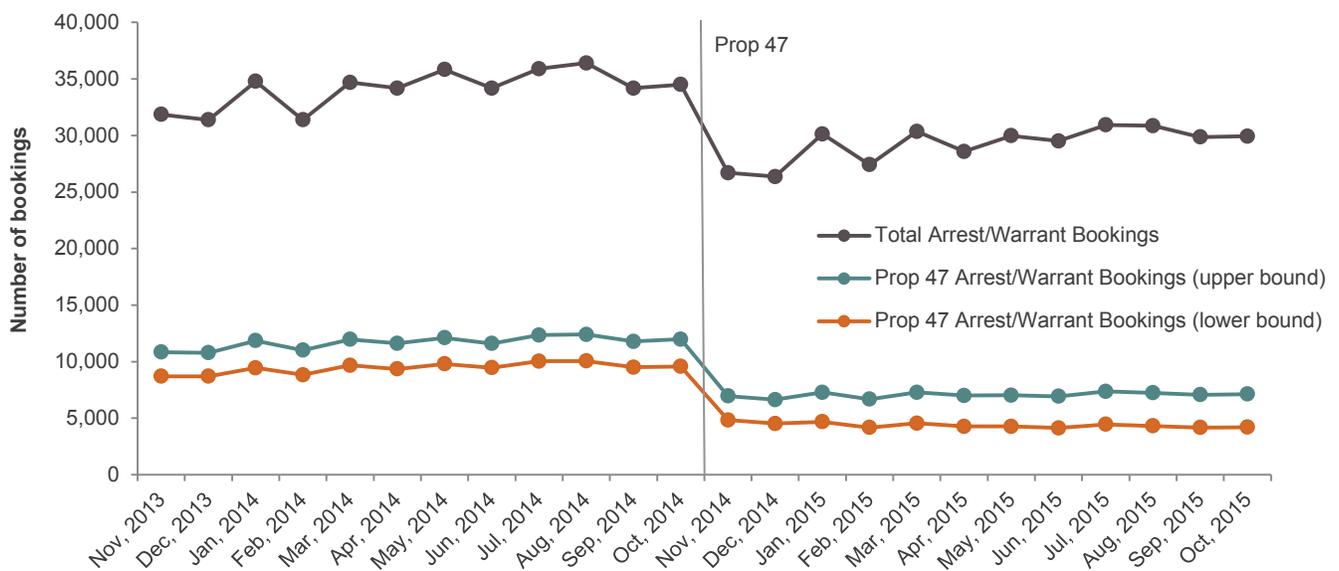
⁹ However, judges have the discretion to deny petitions for resentencing if they determine an offender poses a present public safety danger.

Declines in Proposition 47 Arrests

Proposition 47 reduced the presumed charge level for specific drug and property offense arrests to misdemeanor.¹⁰ As misdemeanants, individuals booked into jail for Prop 47 offenses are more likely to be eligible to be cited and released before arraignment or to receive other forms of pretrial release. As a result, we might expect this change in the likelihood that an individual will be held in jail custody to reduce the incentive to book individuals into jail for Prop 47 offenses. Figure 3 illustrates the change over time in the number of bookings for individuals brought into jail on new arrests or warrants. Total bookings declined from 34,502 in October 2014 to 29,928 in October 2015—a decrease of 4,574, or 13 percent. This trend appears to be driven by the change in bookings for Prop 47 charges, which declined from 9,584 to 4,202—a decline of 5,382, or 56 percent—over the same period.

FIGURE 3

Arrest and warrants bookings for Proposition 47 offenses declined over the implementation period



SOURCE: Author’s calculations based on the BSCC-PPIC Multi-County Study data (2013–2015).

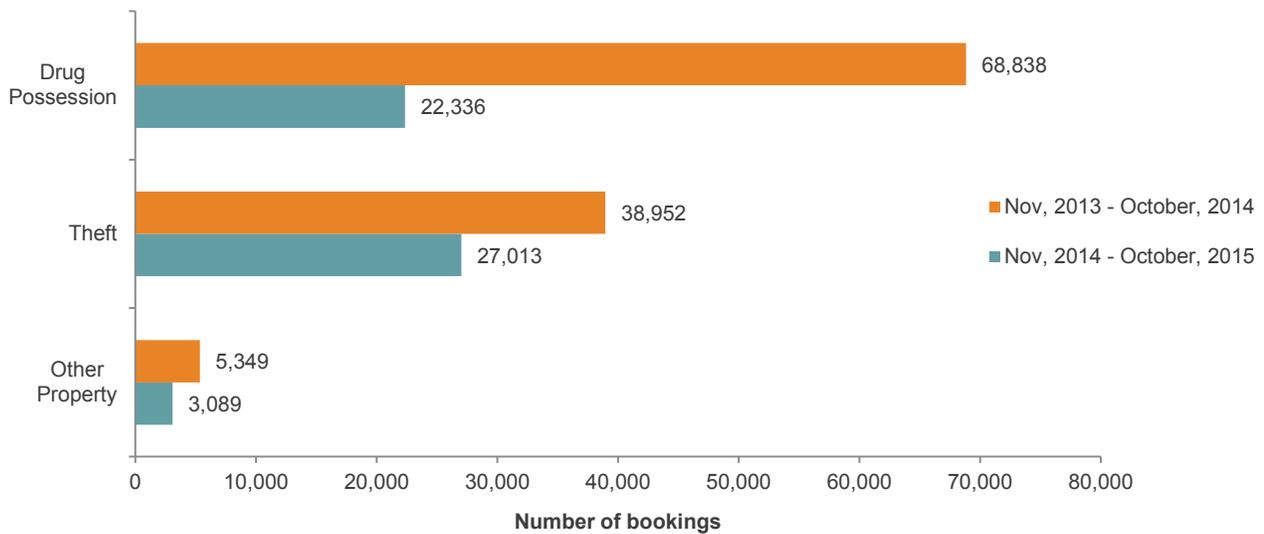
NOTE: This figure includes data from the following counties: Fresno, Humboldt, Kern, Los Angeles, Orange, Sacramento, San Bernardino, San Francisco, and Stanislaus. Monterey County is not included in this figure because we are not currently able to distinguish arrest and warrant bookings from other bookings in their data.

We can further investigate by exploring how offense types changed over time. Figure 4 compares the composition of the arrest and warrant booking offense types in the year before Prop 47 passed to those in the year after. We see the overall decline in bookings across offense types, but we also see that this decline is stronger for drug possession charges (a 68 percent decline) than for charges related to theft (a 31 percent decline). Taken together, these changes in the level and composition of Prop 47 bookings suggest that the proposition may have induced behavioral changes within local justice systems. However, it is also possible that these trends reflect changes in underlying criminal behavior.

¹⁰ Note one exception – individuals with prior convictions for murder, rape, certain other sex offenses and certain gun crimes are not eligible under Prop 47.

FIGURE 4

The composition of booking offense types shifted after Proposition 47



SOURCE: Author’s calculations based on the BSCC-PPIC Multi-County Study data (2013–2015).

NOTE: This figure currently includes data from the following counties: Fresno, Humboldt, Kern, Los Angeles, Orange, Sacramento, San Bernardino, San Francisco, and Stanislaus. Monterey County is not included in this figure because we are not currently able to distinguish arrest and warrant bookings from other bookings in their data.

Declines in Proposition 47 Convictions

Before Proposition 47 passed, individuals arrested for Prop 47 offenses could face felony charges carrying multi-year sentences; now, most face misdemeanor charges carrying a maximum jail term of one year.¹¹ Given this reduction in penalties, it is possible that the incentives faced by defendants and prosecutors have changed. We examine the change in convictions pre-post Prop 47, as these convictions are represented in jail data.¹² We find the trend in total and Prop 47 convictions parallels the corresponding trend in arrest and warrant bookings. Figure 5 shows that both total and Prop 47 convictions declined immediately after the proposition passed, although the decline in total convictions is sharper than the decline in Prop 47 convictions. This pattern is consistent with past years, with a backlog of cases occurring because of the winter holidays. The typical backlog may have been compounded, however, because courts were heavily impacted by petitions for resentencing in the months immediately following the proposition’s passage. The Judicial Council reports that 53,583 petitions for resentencing were filed in the first two months after the passage of Prop 47.¹³ In the next nine months (through September of 2015), an additional 91,077 resentencing petitions were filed, or an average of about 10,000 per month.

From October 2014 to October 2015 total convictions declined from 15,666 to 12,545 (a decline of 3,121, or 20 percent), and Prop 47 convictions declined from 3,585 to 1,960 (a decline of 1,625, or 45 percent). In our data, both total and Prop 47 convictions appear to decline through the last few months of the study period, although total convictions decline more rapidly. However, we note that conviction data often lags in data systems, meaning

¹¹ Under Prop 47, individuals with prior convictions for murder, certain sex offenses, and certain gun crimes were not eligible.

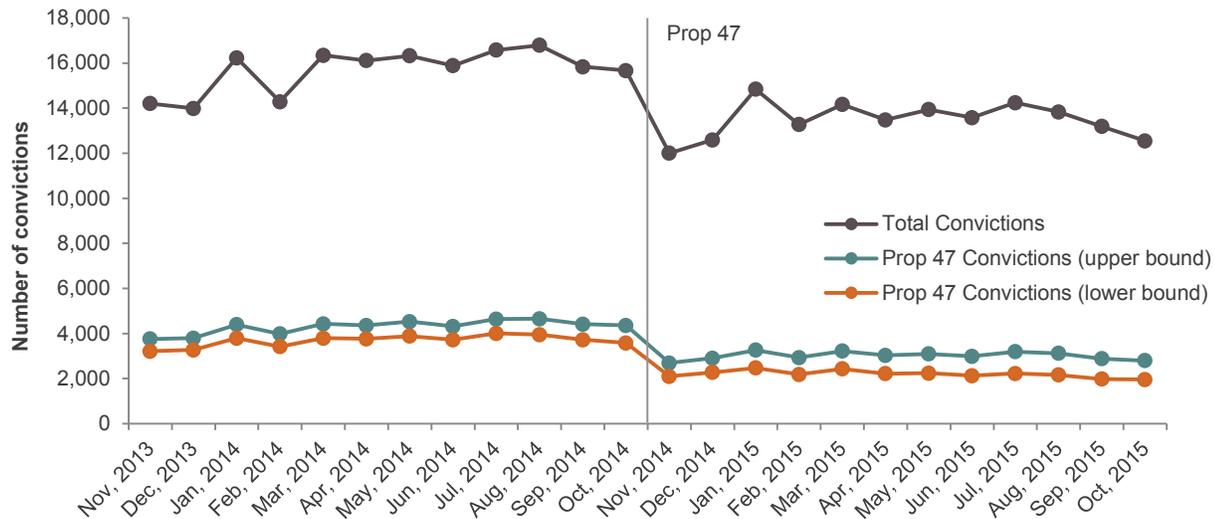
¹² This study focuses on how Prop 47 affected the jail population, relying on data provided by sheriff’s departments. We observe those convictions captured in the jail data we received from each county, but these data may not reflect all convictions in the county. The best source of these data would be court systems, but we do not currently have direct access to court data.

¹³ See [Judicial Council release](#).

that data sometimes take time to update with new information. It is possible that the declines we see in the last few months of observation reflect this lag in conviction data. Therefore, we caution against a strong interpretation of the observed decline in convictions during the last few months of the period.

FIGURE 5

Convictions for Proposition 47 offenses declined over the implementation period



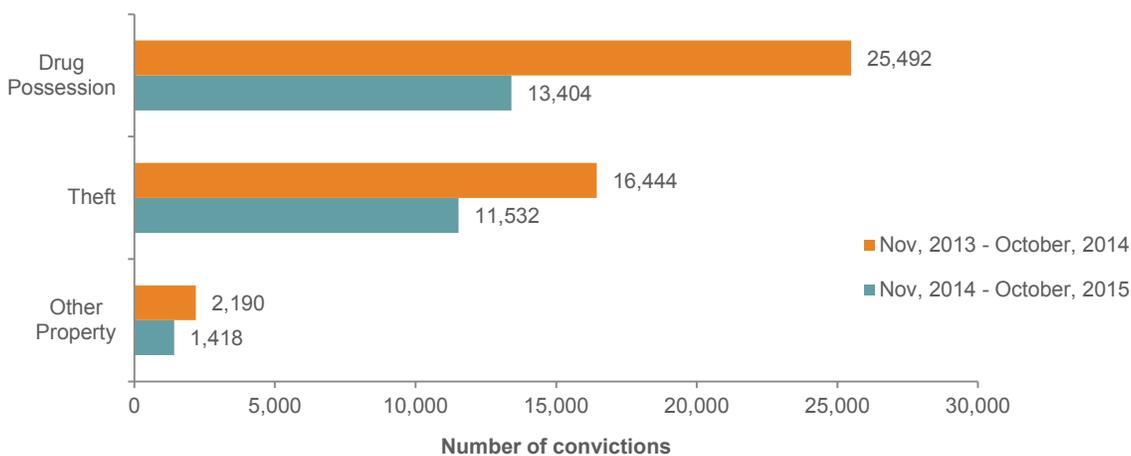
SOURCE: Author’s calculations based on the BSCC-PPIC Multi-County Study data (2013–2015).

NOTE: This figure currently includes data from the following counties: Fresno, Humboldt, Kern, Los Angeles, Monterey, Orange, Sacramento, San Bernardino, San Francisco, and Stanislaus.

We also examine the change in the composition of Prop 47 convictions in the years before and after Prop 47 passed (Figure 6). Consistent with the shift in jail bookings, we see a decline in overall convictions and a clear shift from convictions for drug possession to convictions for theft-related offenses. Again, this shift could reflect a re-prioritization of local criminal justice resources, but it is also possible that it reflects a change in offender behavior.

FIGURE 6

The composition of conviction offense types shifted after Proposition 47



SOURCE: Author’s calculations based on the BSCC-PPIC Multi-County Study data (2013–2015).

NOTE: This figure currently includes data from the following counties: Fresno, Humboldt, Kern, Los Angeles, Monterey, Orange, Sacramento, San Bernardino, San Francisco, and Stanislaus.

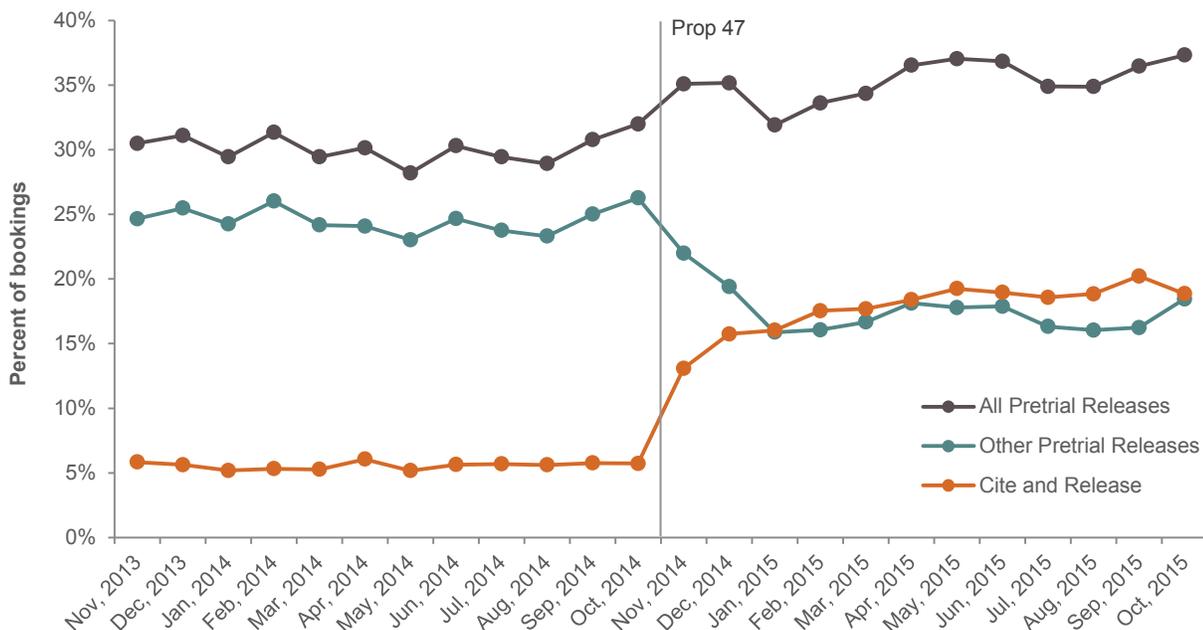
Reductions in Jail Time for Proposition 47 Offenses

There are two ways in which we might expect Proposition 47 to reduce jail time. First, under Prop 47, a larger share of individuals booked into jail may now be eligible for cite and release or other forms of pretrial release because of their misdemeanor status.¹⁴ Second, by changing some offenses from felonies to misdemeanors, the maximum sentence length for convicted offenders was substantially reduced. We examine each factor below.

Figure 7 summarizes the change in monthly cite and releases—those individuals released prior to arraignment—and other pretrial releases as a percent of all arrest and warrant bookings for Prop 47 offenses. Immediately following Prop 47, we see a marked increase in cite and releases, from 6 percent in October 2014 to 19 percent one year later. We also find a shift from the use of other pretrial release toward the use of cite and releases, which typically result in less time spent in jail custody. However, any form of pretrial release typically results in less custody time than is experienced by those held in custody through the disposition of their cases. Taken together, all pretrial releases rose from 32 percent to 37 percent between October 2014 and October 2015.

FIGURE 7

Pretrial releases increased as a share of all arrest and warrant bookings for Proposition 47 offenses over the implementation period



SOURCE: Author’s calculations based on the BSCC-PPIC Multi-County Study data (2013–2015).

NOTE: This figure currently includes data from the following counties: Fresno, Humboldt, Kern, Los Angeles, Orange, Sacramento, San Bernardino, San Francisco, and Stanislaus. Monterey County is not included in this figure because we are not currently able to distinguish arrest and warrant bookings from other bookings in their data.

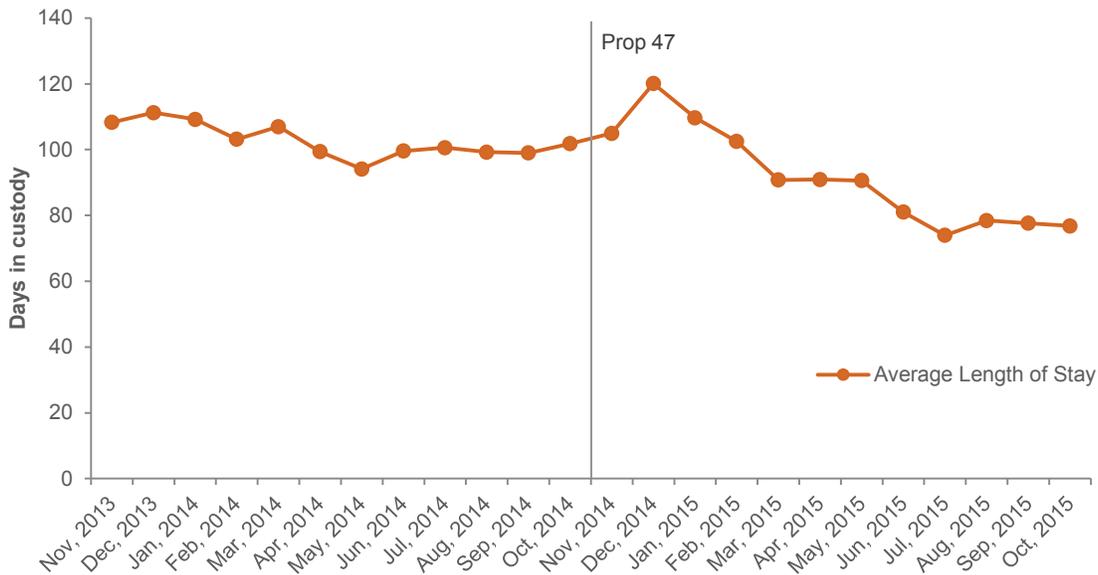
Sentence length for convicted offenders is a key factor in considering how Prop 47 affected the jail population. Figure 8 tracks the average length of stay over time for individuals released after serving sentences for Prop 47 offenses. The average length of stay declined from 102 days in October 2014 to 77 days in October 2015, a decrease of 25 days. We also see a strange pattern immediately following the passage of Prop 47 – the mean

¹⁴ Note, this section refers to individuals booked into jail and then cited and released. We do not include individuals cited and released in the field by law enforcement, as these individuals are not booked into the jail system.

length of stay skyrocketed to 120 days in December 2014. But this trend is likely related to the surge of resentencing petitions. As a result of these petitions, many individuals received sentence reductions and were released based on time they had already served. This concentration of releases for individuals who had relatively long custody terms likely produced the spike in the length of stay we observe in the immediate wake of Prop 47.

FIGURE 8

Average days in custody for Proposition 47 sentenced offenders decreased over the implementation period



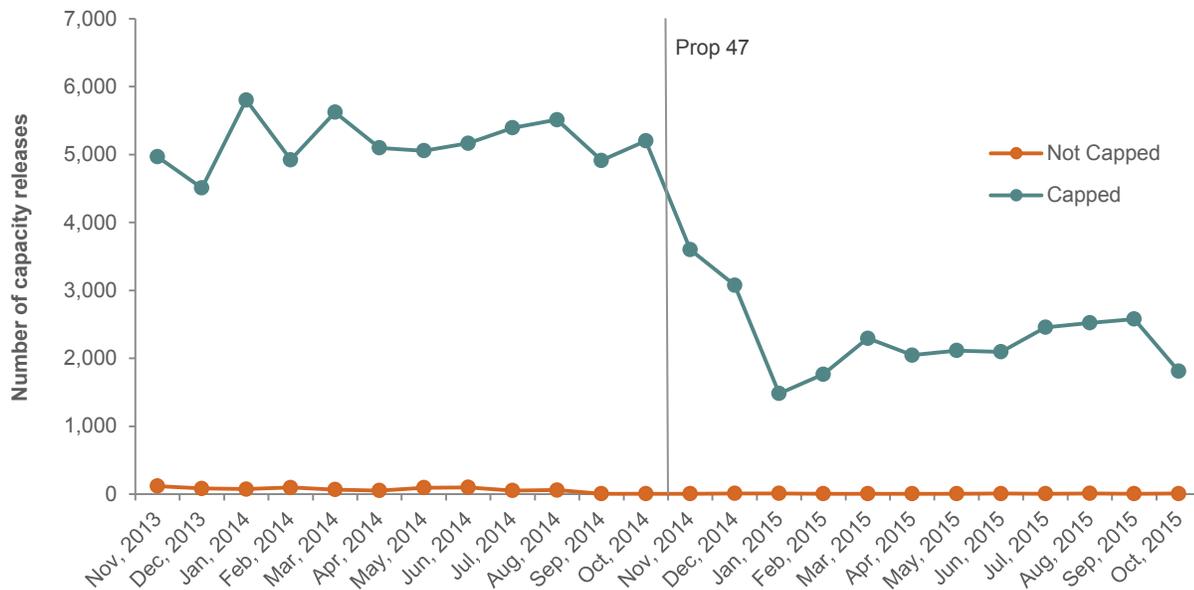
SOURCE: Author’s calculations based on the BSCC-PPIC Multi-County Study data (2013–2015).

NOTE: This figure currently includes data from the following counties: Fresno, Humboldt, Kern, Los Angeles, Monterey, Orange, Sacramento, San Bernardino, San Francisco, and Stanislaus.

How Did Changes in Capacity Releases Mitigate the Effects of Proposition 47?

Before Proposition 47, jail capacity was constrained in a number of counties. In some, jails were operating under court orders to keep the population under design capacity. About half of the county jail systems included in this study had facilities operating under court orders in 2014, including Fresno, Kern, Los Angeles, Sacramento, San Bernardino, and Stanislaus.¹⁵ To manage the size of the jail population in these “court-capped” jails, sheriffs have the authority to release individuals who would otherwise be serving sentences. These releases are commonly referred to as “capacity releases” because they result from jail capacity constraints. Figure 9 shows the change over time in capacity releases for counties with and without court caps in place.

FIGURE 9
Capacity releases for sentenced offenders decreased for court-capped counties post-Proposition 47



SOURCE: Author’s calculations based on the BSCC-PPIC Multi-County Study data (2013–2015).

NOTE: This figure currently includes data from the following counties: Fresno, Humboldt, Kern, Los Angeles, Monterey, Orange, Sacramento, San Bernardino, San Francisco, and Stanislaus.

We see that reductions in jail populations, induced by Prop 47, allowed counties with court-capped jails to substantially reduce their use of capacity releases. In court-capped counties, capacity releases declined from 5,202 in October 2014 to 1,813 in October 2015, a decline of 3,389 releases or 65 percent. For these counties, Prop 47 presented the opportunity to decrease custody time for lower level drug and property offenders and, in exchange, increase custody time for more serious offenders. Some of these more serious offenders would otherwise have been released early because of jail capacity constraints. We find that the average level of seriousness for capacity-release offenses, as represented in the California Department of Justice offense hierarchy classification system, decreased with the implementation of Prop 47.¹⁶

¹⁵ Board of State and Community Corrections, Jail Profile Survey: http://www.bscc.ca.gov/s_fsojailprofilesurvey.php

¹⁶ The California Department of Justice utilizes an offense hierarchy system to rank offenses in order of their relative severity.

This change can be illustrated by examining the reduction in capacity releases for a set of common or notable offenses. Table 1 shows substantial reductions in capacity releases for individuals serving sentences for a wide range of offenses, including arson, assault, burglary, and robbery, as well as rape and other sex offenses. We also see large declines in capacity releases for non-Prop 47 drug and theft offenses, in addition to Prop 47 offenses. Some decline in Prop 47 capacity releases is to be expected, because of the declines we found in bookings and convictions for these offenses.

TABLE 1

Capacity releases substantially declined for sentenced offenders

	Pre-Prop 47	Post-Prop 47	Percent change
Arson	8	2	-75.0%
Assault	263	72	-72.6%
Assault and battery	808	374	-53.7%
Burglary	263	26	-90.1%
DUI	810	360	-55.6%
Drug offenses	1,260	374	-70.3%
False imprisonment	13	3	-76.9%
Forcible rape	2	0	-100.0%
Hit-and-run	42	13	-69.0%
Motor vehicle theft	220	57	-74.1%
Petty theft	107	42	-60.7%
Robbery	26	7	-73.1%
Other sex offenses	34	8	-76.5%
Theft	387	114	-70.5%
Weapons	249	100	-59.8%
Prop 47 offenses	2,940	838	-71.5%
Other offenses	4,297	2,063	-52.0%
Total	11,729	4,453	-62.0%

SOURCE: Author's calculations based on the BSCC-PPIC Multi-County Study data (2013–2015).

NOTE: This figure currently includes data from the following counties: Fresno, Humboldt, Kern, Los Angeles, Monterey, Orange, Sacramento, San Bernardino, San Francisco, and Stanislaus. These data compare capacity releases in the year prior to Prop 47 implementation to those in the year following Prop 47 implementation.

In capacity-constrained counties, we should not expect to see total ADP decline by as much as we see Prop 47 ADP decline, because these counties are now able to use newly available jail space to house offenders they would have otherwise released early. There are two potentially important public safety implications of this change. First, the increased flexibility to prioritize housing for more serious offenders suggests that local justice systems may be able to more effectively allocate correctional resources. Second, reducing capacity releases may create clearer penalties for crimes and generate greater legitimacy for the criminal justice system, both of which may have implications for effective criminal deterrence. Testing these implications will be an important aspect of future research on the effects of Prop 47.¹⁷

¹⁷ A careful analysis of the effects of Prop 47 on recidivism outcomes for both Prop 47 offenders and offenders released due to capacity constraints would be required. Further, it would be important to examine and assess how the effects of Prop 47 on public safety vary depending on the extent to which county jail systems were capacity constrained prior to its implementation.

Conclusion

Over the past five years California has initiated a series of reforms that have reenvisioned the priorities of the criminal justice system and fundamentally altered the incarceration trajectory of the state. High correctional costs and overcrowded systems have increasingly shifted the emphasis toward identifying cost-effective strategies to address and prevent criminal behavior. In the long term, the key outcome measures that will help us to evaluate the success of these reforms will be crime and recidivism. However, it is equally important to examine the short-term effects of these reforms because they have real meaning for the management of correctional populations and the allocation of resources. Examining the short-term effects of recent reforms may also improve our understanding of the ways in which policy changes drive longer-term public safety outcomes.

In this report we use in-depth individual-level data collected through the PPIC's joint project with the BSCC to explore how Proposition 47 affected the jail population in the year following its passage. We find that the average daily population of individuals being held or serving time for Prop 47 offenses declined by 50 percent in the counties under study. When we examine this change more closely, we find fewer individuals were brought into jail on arrests and warrants, and fewer were convicted for Prop 47 offenses in the period following implementation. Additionally, the share of Prop 47 defendants released pretrial increased and the amount of time offenders spent in jail custody decreased for those serving sentences for Prop 47 offenses.

The resulting reduction in demand for jail space allowed counties operating under jail capacity constraints greater flexibility to hold individuals who would have otherwise been released early due to crowding, many of whom were in custody for relatively serious offenses. To the extent that these counties are now able to reduce early capacity-related releases, the changes we see may lead to an improvement in public safety. In addition to examining the effects of Prop 47 on the jail population, an evaluation of this policy change will need to assess crime and recidivism outcomes for both Prop 47 offenders and other offenders who may be indirectly affected by the proposition.

Lastly, it is important to keep in mind that a key component of Prop 47—the reinvestment of state correctional savings in behavioral health treatments and other prevention programs—has not yet been realized.¹⁸ Both the Governor and the Legislative Analyst's Office estimate that the proposition will generate state savings, anywhere from \$30 to \$130 million (LAO 2016).¹⁹ Although this estimate has not yet been finalized, the funding is scheduled to be allocated by August 2016. A complete assessment of the effects of Prop 47 will also need to account for the role these programmatic interventions may play in improving public safety. This evaluative work will be essential in directing future policy efforts as California pursues effective and efficient criminal justice reforms.

¹⁸ Prop 47 requires that the state savings related to its implementation be directed toward the Safe Neighborhoods and Schools Fund, a new funding stream that reallocates state correctional savings toward mental health and substance use treatment services, as well as preventative programs to reduce school truancy and drop-out rates.

¹⁹ These estimates diverge largely because of a difference in the underlying assumption about how the California Department of Corrections and Rehabilitation (CDCR) would have housed an estimated 4,700 inmates had Prop 47 not passed. While the DOF assumes the prison system could accommodate most of these individuals, the LAO points out that the state prison system was operating close to the court-ordered limit and would likely have had to pay to house most of these inmates outside the state prison system at a much higher cost (LAO, 2016).

REFERENCES

- Legislative Analyst's Office. 2016. *The 2016–17 Budget: Fiscal Impacts of Proposition 47*.
- Lofstrom, Magnus, and Brandon Martin. 2015a. *California's County Jails*. Public Policy Institute of California.
- Lofstrom, Magnus, and Brandon Martin, 2015b. "Public Safety Realignment: Impacts So Far." Public Policy Institute of California.
- Males, Mike, and Lizzie Buchen. 2014. *Proposition 47: Estimating Local Savings and Jail Population Reductions*. Center on Juvenile and Criminal Justice.
- Teji, Selena, and Scott Graves. 2014. *Proposition 47: Should California Reduce Penalties for Drug and Property Crimes and Invest in Treatment?* California Budget Project.

ABOUT THE AUTHORS

Mia Bird is a research fellow in the areas of corrections and health and human services at the Public Policy Institute of California. She currently leads projects focused on how two major changes in California policy—Public Safety Realignment and the implementation of the Affordable Care Act—affect recidivism outcomes for the criminal justice population. Her past work has covered topics such as the allocation of realignment funding, the enrollment of correctional populations in health insurance, and the use of data to improve policymaking. She also serves on the faculty of the Goldman School of Public Policy. Her academic work focuses on the relationship between family formation, family life, and public policy. She holds a PhD in public policy, an MA in demography, and an MPP from the University of California, Berkeley.

Sonya Tafoya is a research associate at the Public Policy Institute of California. Her work focuses on California’s criminal justice system, including the effects of realignment and pretrial issues. Before joining PPIC, she served as research staff to the California Blue Ribbon Commission on Children in Foster Care. She also worked as a research associate at the Pew Hispanic Center in Washington, DC, where she focused on Latino demographic trends. Her work has been published by PPIC, the Pew Hispanic Center, the Russell Sage Foundation, the Levy Economics Institute at Bard College, and the Harvard Journal of Hispanic Policy. She holds an MS in biology from University of California, Davis.

Ryken Grattet is a research fellow at the Public Policy Institute of California and professor of sociology at the University of California, Davis. Previously, he served as assistant secretary of research in the California Department of Corrections and Rehabilitation. His current work focuses on California correctional policy at the state and local levels. He is the co-author of *Making Hate a Crime: From Social Movement to Law Enforcement, Parole Violations and Revocations in California*, and numerous articles in professional and policy publications. His work has been honored by the American Sociological Association’s Section on the Sociology of Law, the Law and Society Association, the Pacific Sociological Association, and the Society for the Study of Social Problems Crime and Delinquency Section. He holds a PhD in sociology from the University of California, Santa Barbara.

Viet Nguyen is a research associate at the Public Policy Institute of California. He conducts research on corrections policy, including the effects of realignment. Before joining PPIC, he was a survey specialist and operations analyst at NORC at the University of Chicago. He holds a BA in political science, with a minor in public policy, from the University of California, Los Angeles.

ACKNOWLEDGEMENTS

Magnus Lofstrom provided extensive review and support throughout the project. We also received valuable internal reviews from Caroline Danielson and Lynette Ubois. In addition, we appreciate very helpful feedback provide by our external reviewers, Ventura County Sheriff Geoff Dean and Aaron Edwards from the Legislative Analyst’s Office. We also appreciate the helpful insights provided by Jessica Flintoft, Project Director of the Northern California BHC Reinvestment Project, and the East Bay Community Law Center for fiscal sponsorship. Finally, this report benefited immensely from assistance with data collection and interpretation from the sheriffs and key staff in the participating counties.

PUBLIC POLICY
INSTITUTE OF
CALIFORNIA

Board of Directors

Donna Lucas, Chair
Chief Executive Officer
Lucas Public Affairs

Mark Baldassare
President and CEO
Public Policy Institute of California

Ruben Barrales
President and CEO
GROW Elect

María Blanco
Executive Director
Undocumented Student Legal Services Center
University of California Office of the President

Louise Henry Bryson
Chair Emerita, Board of Trustees
J. Paul Getty Trust

A. Marisa Chun
Partner
McDermott Will & Emery LLP

Phil Isenberg
Vice Chair
Delta Stewardship Council

Mas Masumoto
Author and Farmer

Steven A. Merksamer
Senior Partner
Nielsen, Merksamer, Parrinello,
Gross & Leoni, LLP

Gerald L. Parsky
Chairman
Aurora Capital Group

Kim Polese
Chairman
ClearStreet, Inc.

Gaddi H. Vasquez
Senior Vice President, Government Affairs
Edison International
Southern California Edison



PPIC

PUBLIC POLICY
INSTITUTE OF CALIFORNIA

The Public Policy Institute of California is dedicated to informing and improving public policy in California through independent, objective, nonpartisan research.

Public Policy Institute of California
500 Washington Street, Suite 600
San Francisco, CA 94111
T: 415.291.4400
F: 415.291.4401
PPIC.ORG

PPIC Sacramento Center
Senator Office Building
1121 L Street, Suite 801
Sacramento, CA 95814
T: 916.440.1120
F: 916.440.1121