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### About the Warren Institute

The Chief Justice Earl Warren Institute on Law and Social Policy is a multidisciplinary, collaborative venture to produce research, research-based policy prescriptions and curricular innovation on the most challenging civil rights, education, criminal justice, family and economic security, immigration and healthcare issues facing California and the Nation.

## CALIFORNIA IN CONTEXT: How Does California's Criminal Justice System Compare to Other States?

By Sarah Lawrence, Director of Policy Analysis and Program Evaluation

How does California compare to the rest of the country along a range of criminal justice measures? Examples of state-level comparisons in the realm of criminal justice typically include just a few measures, such as incarceration rate or per capita spending. This policy brief asks: What picture emerges when a variety of criminal justice-related measures are compiled and examined as a whole? The purpose is to place California's criminal justice system in the context of other state criminal justice systems by looking at population measures related to probation, jail, prison and parole, as well as several spending metrics.

This assessment is particularly relevant at a time of unprecedented reform in California's criminal justice system. Arguably, the "realignment" of the adult correctional system represents the most significant change, as AB 109 and subsequent amendments shift certain criminal justice roles and responsibilities from State agencies to county agencies. Establishing a contextual understanding of California's criminal justice system relative to other states before realignment is implemented will allow for a better understanding when realignment-related reforms are well established.

### HIGHLIGHTS

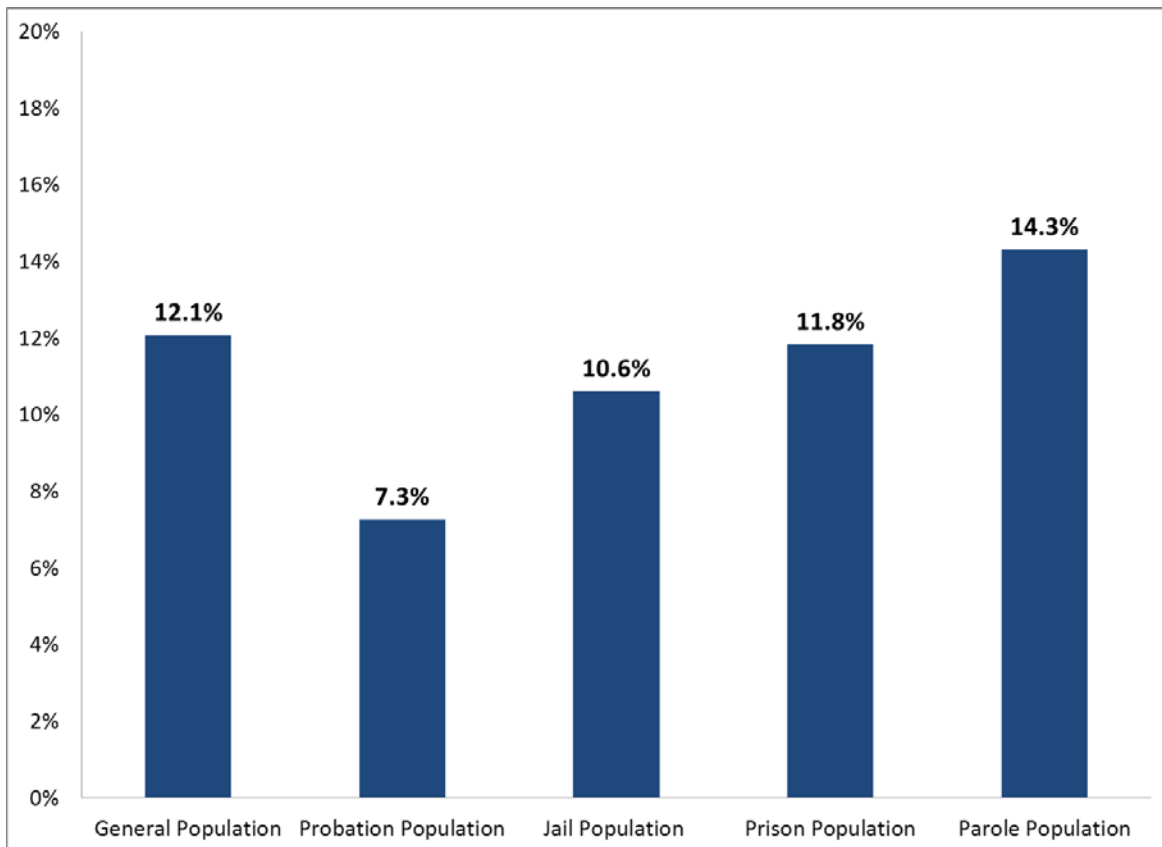
- California's criminal justice populations are generally proportionate to the State's general population.
  - California accounts for 12.1% of the U.S. general population, 10.6% of the U.S. jail population, 11.8% of the U.S. prison population, and 14.3% of the U.S. parole population
  - California probation is the only criminal justice population that is disproportionate to the general population, accounting for 7.3% of the U.S. probation population
- The four California criminal justice populations examined in this brief underwent significant growth between 1980 and 2010. During this 30-year period:
  - The probation population increased by 94%
  - The jail population increased by 171%
  - The prison population increased by 572%
  - The parole population increased by 708%
- California's growth rate was lower than the average of other states for probation and jail populations and higher than the average of other states for prison and parole populations
- In terms of per capita measures of criminal justice populations, California was below the national average for probationers per capita, essentially equal to the national incarceration rate, and higher than the national average in per capita parolees
- California was at the higher end of the distribution in selected measures of correctional system expenditures. California ranked:
  - 2<sup>nd</sup> in per capita spending on corrections
  - 6<sup>th</sup> in average annual cost per prisoner
  - 2<sup>nd</sup> in average annual mean wages for correctional officers and jailers

## Are California's Criminal Justice Populations Proportional to the General Population?

California is the most populous state in the U.S. and by a significant margin. California's general population in 2010 was over 37.3 million people, or 12.1% of the total U.S. population, compared to the next largest state of Texas with a population of 25.1 million. So given that fact, we would expect California's criminal justice system to be the largest state system, and also by a significant margin. But is the criminal justice system proportionally larger and does that vary across different points in the criminal justice system?

The number of individuals incarcerated in California's jails and prisons is generally in line with what we would expect given the size of the State's general population. One out of ten (10.6%) of all jailed individuals in the U.S. was in custody in California and 11.8% of all state prisoners were in custody in California (Figure 1). The California parole population was slightly higher proportionally than the general population, accounting for 14.3% of all parolees in the U.S. in 2010. The criminal justice population that was notably disproportionate in 2010 was probation, as only 7.3% of all probationers in the U.S. were in California.

**Figure 1. California Populations as a Percent of the U.S. Total<sup>1</sup>**



*Note: All data are for 2010 except jail data which is for 2009.*

## How Does the Growth of California’s Criminal Justice System Compare to Other States?

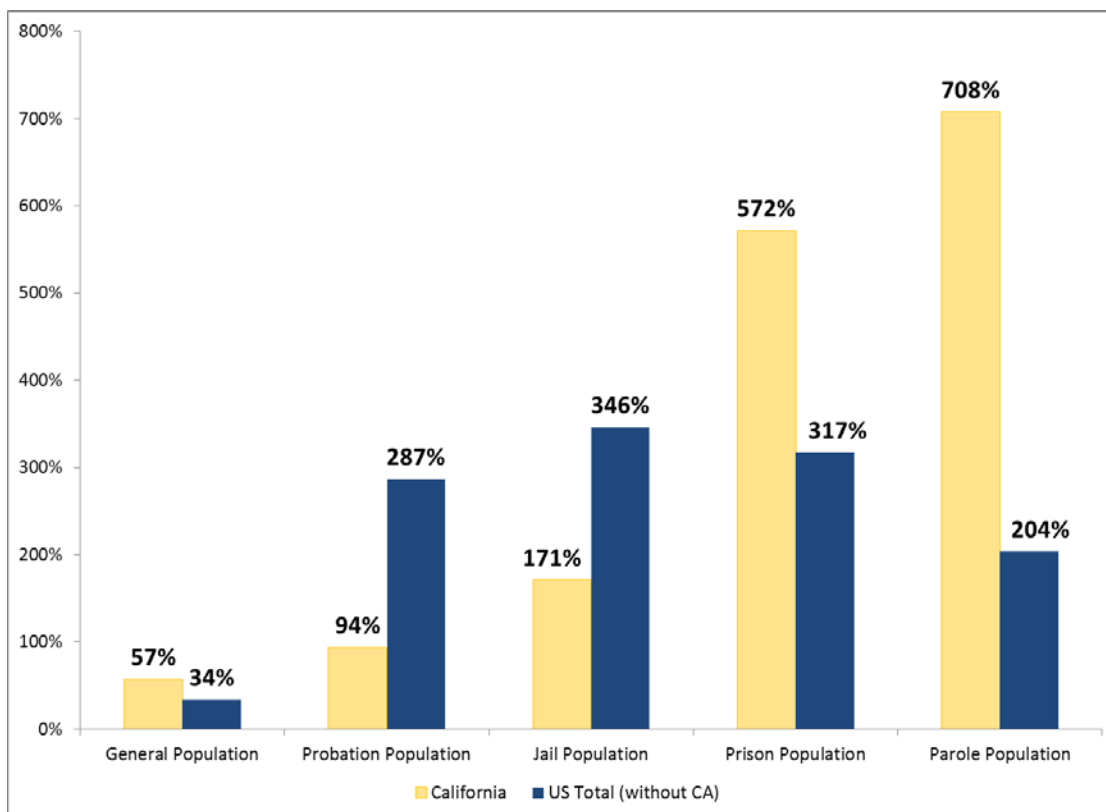
The growth of criminal justice systems across the country has been well documented and the growth of prison systems in particular has received significant attention in recent years as states across the country have grappled with unprecedented fiscal challenges. How does the growth of California’s criminal justice populations compare to the rest of the country? Between 1980 and 2010 criminal justice populations both in California and nationally experienced significant increases at the four stages included in this analysis: probation, jail, prison and parole (Figure 2).

The rate of growth across criminal justice functions in California varied significantly. California’s parole population experienced the largest growth in percentage terms, as it was a remarkable eight times larger in 2010 than it was in 1980 (a 708% increase). The prison system experienced the second largest rate of growth at 572% during this 30-year period followed by jails (171%) and probation (94%). These increases in criminal justice

populations are in the context of a 57% growth in California’s general population over these 30 years.

A more nuanced story of criminal justice system growth emerges when California is compared to the rest of the country. The growth in California’s prison and parole populations far exceeded national-level growth at 572% versus 317% for prison and 708% versus 204% for parole between 1980 and 2010. However, California experienced smaller growth in percentage terms in the probation population (94% v. 287%) and the jail population (171% v. 346%) compared to the rest of the country. Said another way, criminal justice populations in California under the jurisdiction of state government grew significantly faster relative to other states, while criminal justice populations under the jurisdiction of county government grew at lower rates relative to the experiences of other states.

**Figure 2. The Growth of Criminal Justice Populations in California and U.S., 1980 - 2010<sup>2</sup>**



*Note: U.S. totals do not include California. All data are for 1980 and 2010 except jail data which is for 2009.*

## Where Does California Rank in Criminal Justice Populations Per Capita?

Shifting from historical trends to a more current state of affairs, the following figures present state-level data on criminal justice populations. The states are ranked by the number in the criminal justice system per 100,000 residents. California's rank and comparison to the national average are highlighted.

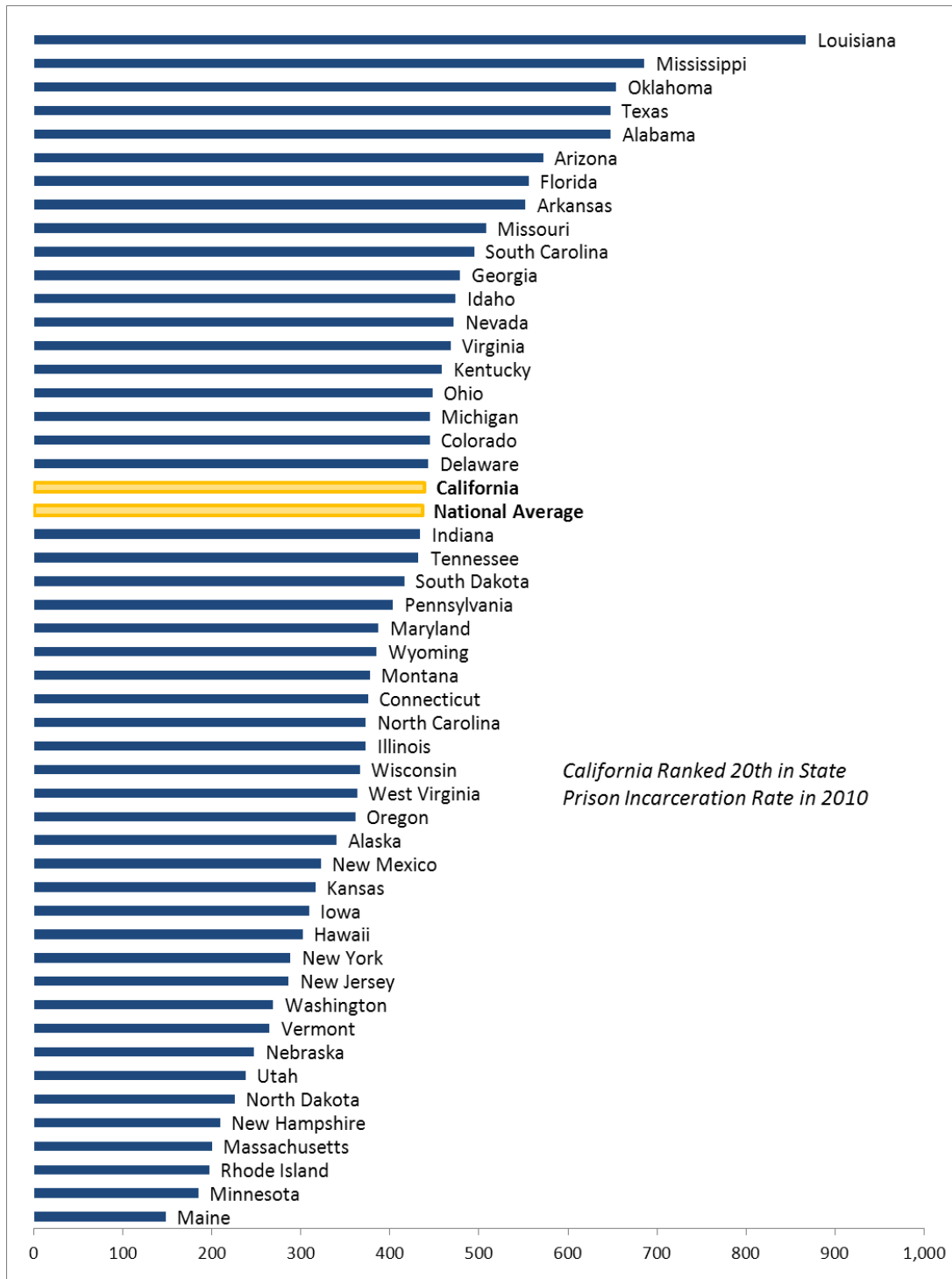
As shown in Figure 3, California ranked 37<sup>th</sup> out of 50 states in 2010 in probationers per 100,000 residents. Said another way, 36 states had a higher number of probationers per capita than California. California's per capita probation rate was 38.8% lower than that national average, at 1,047 per 100,000 compared to 1,711 per 100,000.

**Figure 3. Probation Population per 100,000 by State (2010)<sup>3</sup>**



California ranked 20<sup>th</sup> in incarceration rate for state correctional facilities and was essentially equal to the national average in 2010 at 439 per 100,000 in California and a national average of 437 per 100,000.

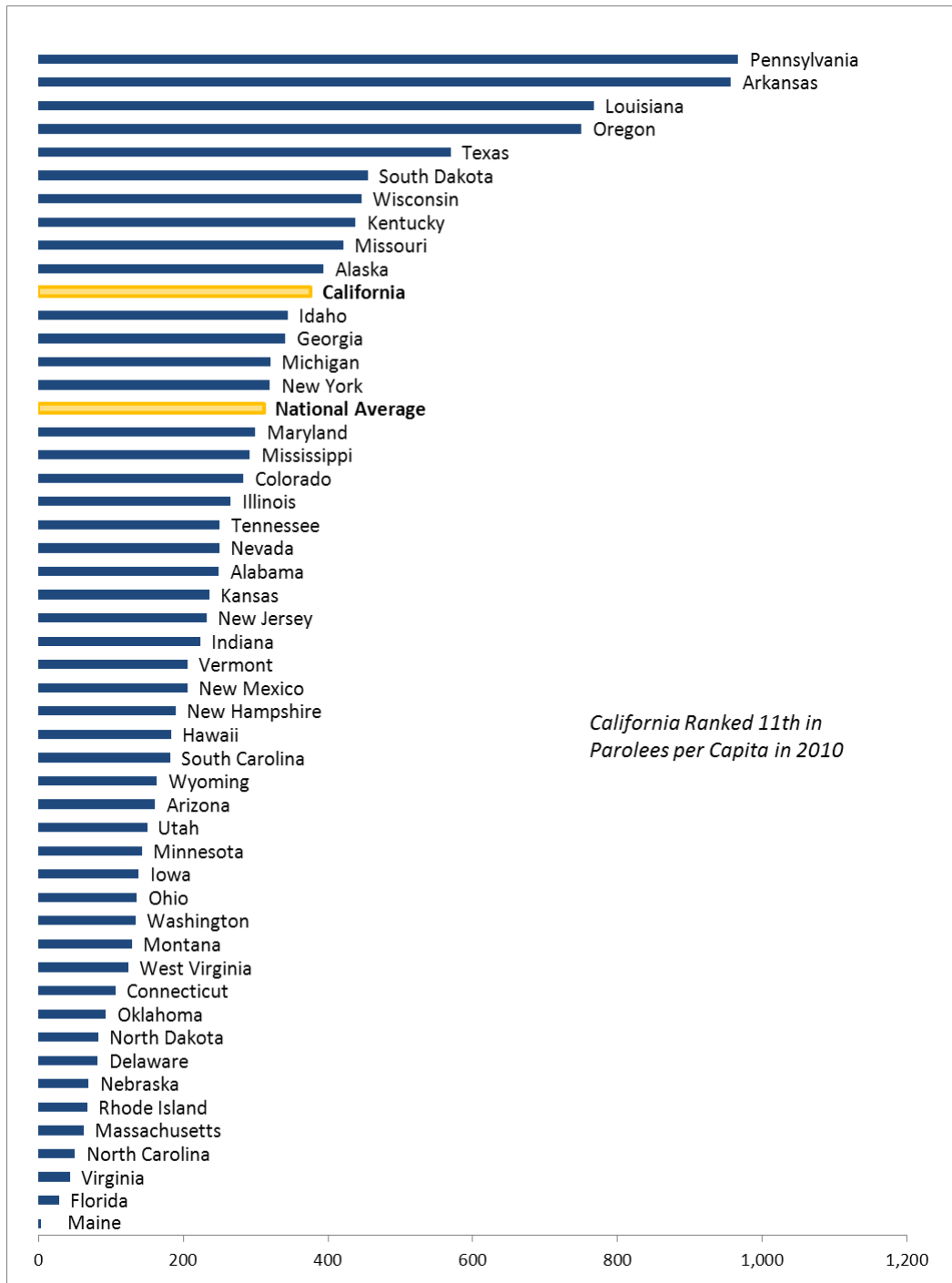
**Figure 4. State Prison Incarceration Rate per 100,000 by State (2010)<sup>4</sup>**



Lastly for criminal justice populations, California was 20.5% higher than the national average in the number of parolees per 100,000. In 2010 in California, the number of

parolees per capita was 376 per 100,000 compared to 312 for the national average. The State ranked 11<sup>th</sup> in the parole rate.

**Figure 5. Parole Population Rate per 100,000 by State (2010)<sup>5</sup>**

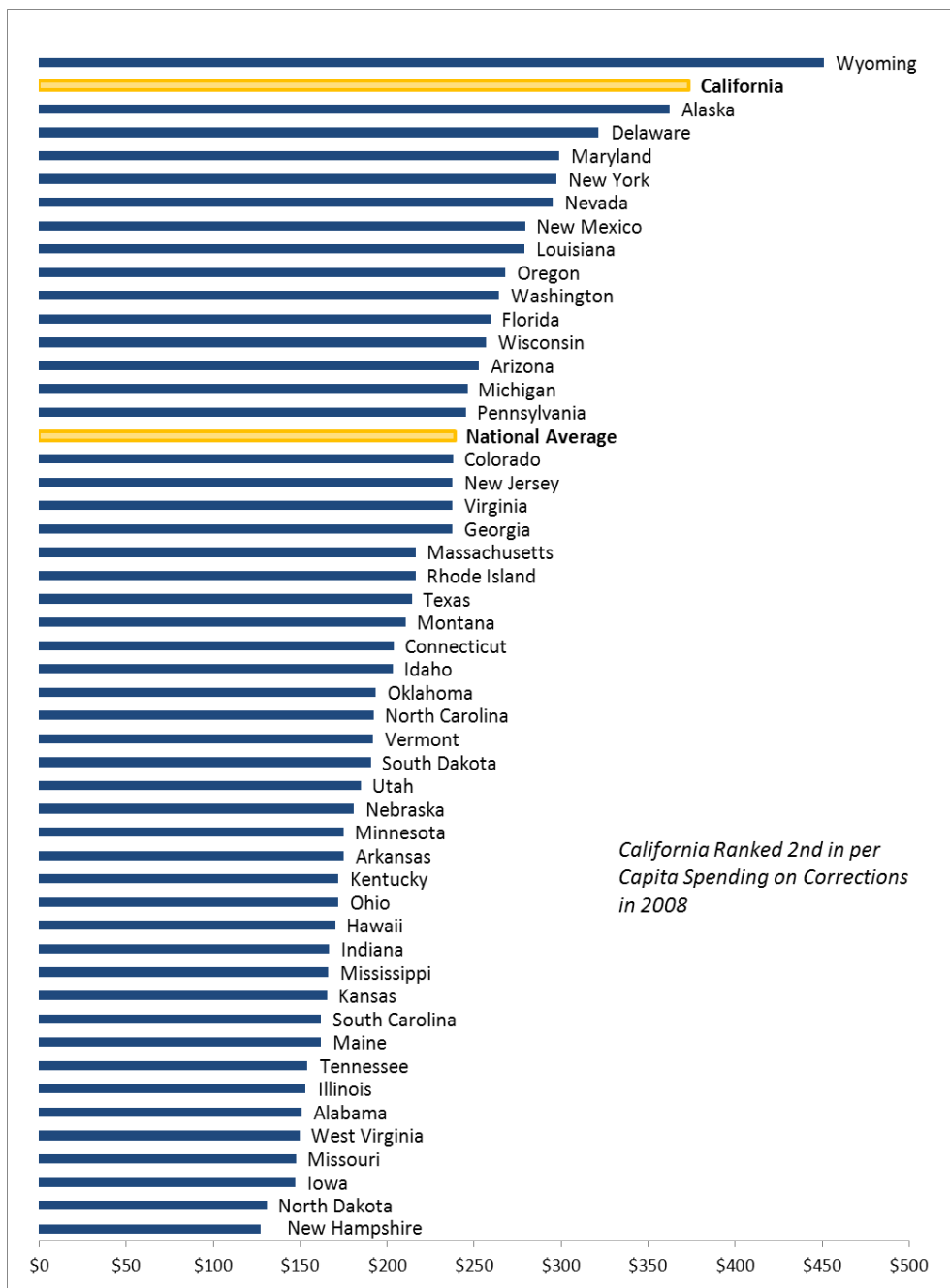


## How Much Does California’s Correctional System Cost Relative to Other States?

Given some context of the size of California’s criminal justice system compared to other states, the growth of California’s criminal justice system compared to other states, and criminal justice population per capita rates, below are selected comparisons of cost measures associated with state correctional systems. Figure 6 presents data on per capita spending on corrections by

state. In 2008 (the most recent year for which national-level data are available) California ranked 2<sup>nd</sup> in per capita spending on corrections, second to Wyoming. California spending per capita on corrections in 2008 was 56% higher compared to the national average, at \$373 per capita compared to \$239 per capita, respectively.

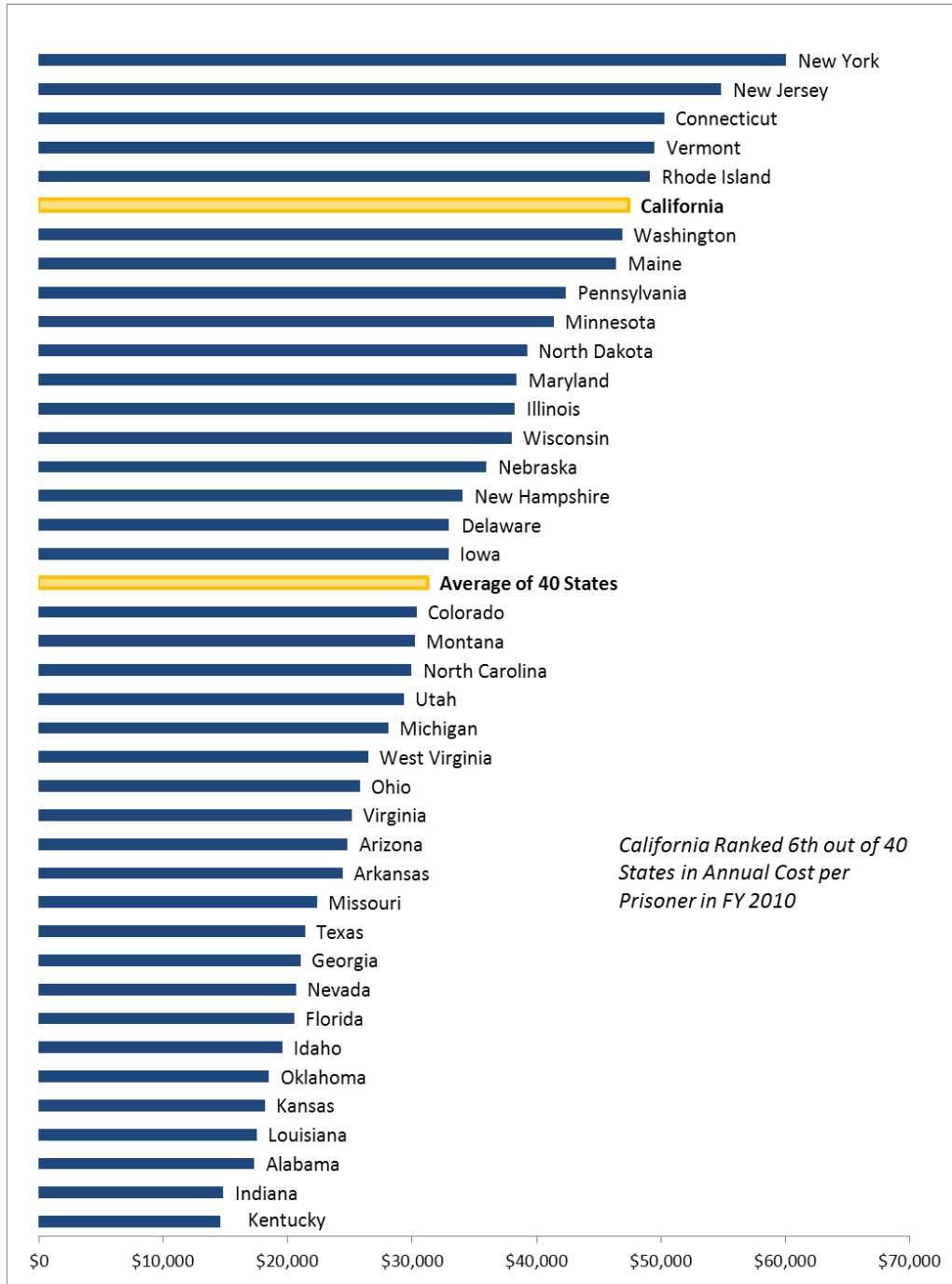
**Figure 6. Per Capita Spending on Corrections (2008)<sup>6</sup>**



Focusing on state prisons and the average annual cost per prisoner, California is again significantly higher than the national average, specifically 51.6% higher in FY 2010. California spent an average of \$47,421 per state prisoner

compared to the national average of \$31,286. Based on a 2010 survey by the Vera Institute that included 40 states California ranked 6<sup>th</sup> in annual cost per state prisoner.

**Figure 7. Average Annual Cost per State Prisoner (FY 2010)<sup>7</sup>**

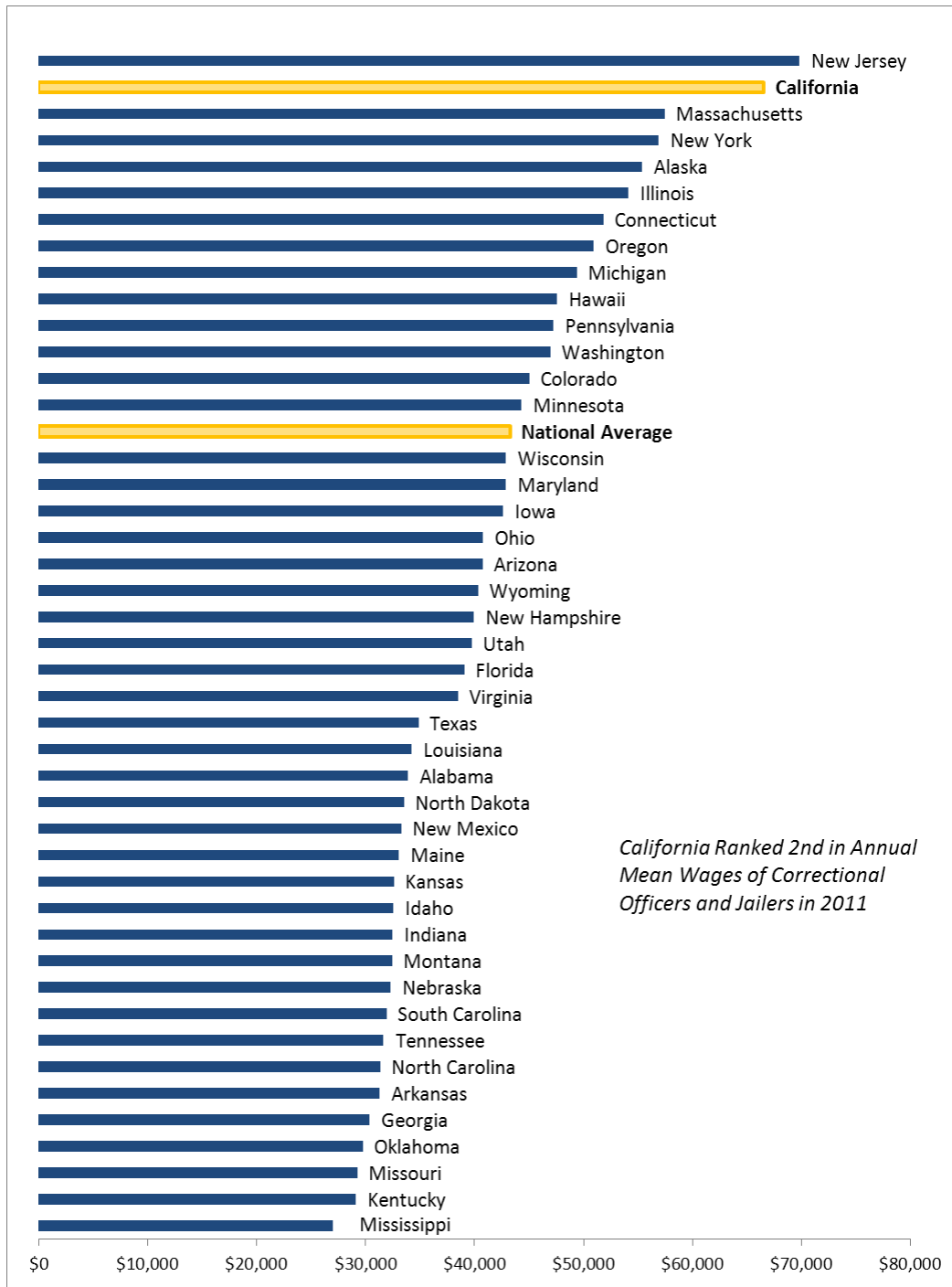




A third measure of corrections expenditures is the annual mean wages of correctional officers and jailers. These data are reported by the Bureau of Labor Statistics and, again, California comes out near the top ranking 2<sup>nd</sup> out of 44 states included in the BLS data. In 2011, the annual

mean wages for correctional officers and jailers in California was 53.7% higher than the national average, \$66,540 compared to \$43,300.

**Figure 8. Annual Mean Wages of Correctional Officers and Jailers (2011)<sup>8</sup>**



## Conclusion

The set of criminal justice measures compiled in this brief supports the notion that the size of California's criminal justice system is, for the most part, in line with what you would expect for a state of over 37 million people. While California is not closely aligned with the national average for all of the measures presented here, it is worth noting that the State is not an "outlier" in terms of the rates at which individuals are placed on probation, sentenced to jail or state prison, or placed on parole. However, the costs to California taxpayers based on the corrections spending metrics included above are notably higher than what the rest of the states are spending. The juxtaposition of these two overall findings supports the notion that from a high-level policy and legislative perspective, the strategy of shifting certain operations and fiscal responsibilities from state agencies to the counties makes sense. What remains to be seen is whether these reforms result in significant savings to taxpayers and improvements in public safety. It will be interesting to see how California measures up to other state criminal justice systems after realignment-related changes are well established.

*This report was made possible by a generous grant from the Wallace Alexander Gerbode Foundation.*

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<sup>1</sup> General population from 2010 U.S. Census; probation and parole populations from *Probation and Parole in the United States in 2010*, Bureau of Justice Statistics; U.S. jail population from *Jail Inmates Mid-Year, 2010*, Bureau of Justice Statistics; California jail population from *Crime in California, 2009*, California Department of Justice; prison population from *Prisoners in 2010*, Bureau of Justice Statistics.

<sup>2</sup> General population from U.S. Census; 1980 California jail and probation populations from *Crime in California, 2007*, California Department of Justice; 1980 California prison and parole populations from *California Prisoners, 1980*, California Department of Corrections; 1980 and 2010 U.S. probation and parole populations from *Probation and Parole in the United States in 2010*, Bureau of Justice Statistics; 1980 U.S. jail and prison populations from *Adult Correctional Populations, 1980 – 2009*, Bureau of Justice Statistics; 2009 U.S. jail population from *Jail Inmates Mid-Year, 2010*, Bureau of Justice Statistics; 2009 California jail population from *Crime in California, 2009*, California Department of Justice; 2010 California and U.S. prison populations from *Prisoners in 2010*, Bureau of Justice Statistics.

<sup>3</sup> General population from 2010 U.S. Census; probation and parole populations from *Probation and Parole in 2010*, Bureau of Justice Statistics.

<sup>4</sup> *Prisoners in 2010*, Bureau of Justice Statistics.

<sup>5</sup> *Probation and Parole in 2010*, Bureau of Justice Statistics.

<sup>6</sup> *Justice Expenditure and Employment Extracts 2008*, Bureau of Justice Statistics.

<sup>7</sup> *The Price of Prisons: What Incarceration Costs Taxpayers*, Vera Institute, 2012.

<sup>8</sup> *Occupational Employment and Wages, 2011-Correctional Officers and Jailers*, Bureau of Labor Statistics. BLS defines correctional officers and jailers as individuals who "guard inmates in penal or rehabilitative institutions in accordance with established regulations and procedures. May guard prisoners in transit between jail, courtroom, prison, or other point. Includes deputy sheriffs and police who spend the majority of their time guarding prisoners in correctional institutions." Annual wages were calculated by multiplying the hourly mean wage by 2080 hours; where an hourly mean wage was not published the annual wage was directly calculated from the reported survey data.