

THE MYTH OF LOW-RISK STATE PRISONER

For years, Californians have been bombarded with tales of an ever growing prison system overcrowded with inmates who have been incarcerated for low-level theft or drug addiction. Liberal politicians and editorial boards have demanded the release of tens of thousands of nonviolent, low-risk prisoners who allegedly pose little threat to the public. Readily available state records tell a very different story. While there were actually fewer inmates in California prisons on June 30, 2009 than there were 10 years earlier (June 30, 1999), the current population is considerably more violent. Large numbers of low-risk prisoners do not exist.

Nonetheless, on September 2009, sandwiched between two quotes from Senator Darrell Steinberg, the *Sacramento Bee* reported that 52% of California's "male inmates were incarcerated for property or drug crimes." If this statement is meant to represent to readers that most state prisoners are currently committed for property or drug crimes, it is JUST PLAIN WRONG.

Most California Prisoners are Violent

Contrary to the *Bee* report and the ill-advised opinion of various legislators, most state prisoners are violent and are currently convicted for crimes against persons. On June 30, 2009, over 56% of all male inmates in California were committed to state prison for crimes against person. These inmates were committed to prison for the following offenses:

Murder	23,247
Manslaughter	3,688
Robbery	19,912
Assault and Battery or with a Deadly Weapon	23,492
Child Molestation	8,487
Rape and Other Sex Offenses	6,754
Kidnapping	2,511
<hr/> Total Crimes Against Persons	<hr/> 88,091

In comparison, on the same date (June 30, 2009), 18.5 % of male inmates (29,030) were incarcerated for property crimes and 17.1% for drug offenses (26,802); most of those for manufacture, sale, or commercial transport of drugs. Moreover, approximately 33% of all these property and drug offenders (18,622) were previously convicted of serious or violent felonies (STRIKES).

Upon Release, Prisoners Previously Convicted of Property Crimes Were Almost as Violent as Inmates Previously Convicted of Violent Crimes

Perhaps the most extensive study of the re-arrest, reconviction, and re-incarceration of prisoners released from state prison was published by the United States Department of Justice in June 2002.¹ This special report tracked 272,111 former inmates for three years following their release from prisons in California and 14 other states.

The overall three-year recidivism rate for previously violent offenders (homicide, rape, robbery and assault) was 61.7% while the overall recidivism rate for previous property offenders (burglary, larceny, motor vehicle theft and fraud) was 73.8%. Consistent with other state and federal studies prisoners released following incarceration for murder were least likely to be charged with new crimes (40.7%) while prisoners released following a sentence for vehicle theft were most likely to be charged with new crimes (78.8%) within three years. More surprisingly, car thieves were more likely than previously-convicted murderers or rapists to be charged with a violent new offense (particularly homicide).

A comparison of the experience of 30,000 property offenders and 30,000 violent offenders based upon the re-arrest rates recorded in the federal study produced the following results:

<u>Prisoners Released:</u>	<u>30,000 Violent Offenders</u>	<u>30,000 Property Offenders</u>
Total # Rearrested	18,715	22,140
Total % Rearrested	61.7%	73.8%
<u>New Charges</u>		
New Violent Charges	8,130	6,450
New Property Charges	7,800	17,040
<u>Total All New Charges Including Drug Charges</u>	30,930 *	40,410 *
*Total Charges Reflect Multiple Charges for Same Offenders		

¹ US Department of Justice Bureau of Justice Statistics Special Report, June 2002. Recidivism of Prisoners Released in 1994. (Study of all prisoners released in California and 14 other states)

Consistent with the relatively high recidivism among property offenders the study found that offenders who are older and have served longer sentences are less likely to recidivate than those who have served a brief sentence and remain relatively young at the time of release. Violent offenders are often sent to prison following a single conviction while property offenders are typically sent to prison only after 4 or 5 felony convictions. The study, in addition, reported that prisoners who had multiple prior arrests had progressively higher recidivism rates.

Rearrest rates of State prisoners released in 1994, by number of prior arrests				
Number of arrests prior to release	Percent of all releases	Percent of releases who were rearrested		
		Within 3 years	Within 1 year	
All released prisoners	100.0%	67.5%	44.2%	
1 prior arrest	6.9%	40.6%	20.6%	
2	7.4%	47.5%	26.2%	
3	7.8%	55.2%	32.2%	
4	7.7%	59.6%	35.1%	
5	7.7%	64.2%	39.7%	
6	7.4%	67.4%	43.2%	
7-10	20.9%	70.3%	45.5%	
11-15	16.2%	79.1%	54.5%	
16 or more	18.0%	82.1%	61.0%	

Note: Percents are based on 272,111 released prisoners. By definition, all 272,111 had at least one arrest prior to their release. Consequently, "0 prior arrests" does not apply.²

Notably, over 55% of the 272,000 inmates studied had 7 or more prior arrests and more than half of those were rearrested within one year.

Car thieves and burglars typically have more arrests and a more well-established pattern of criminal conduct than murderers. They tend to be more youthful and more likely to reoffend. While their previous history of nonviolent crime may be relevant when a burglar confronts a home owner or a car thief is chased by police violence often follows.

The 2002 federal study and more recent local experiences can make clear that early release of prisoners, even allegedly nonviolent prisoners, has a high human toll (*Los Angeles Times*³ and *Fresno Bee*⁴). Inevitably, recidivism reports reflect only those crimes for which an arrest is made while more crimes go unresolved. Those who believe tens of thousands of state prisoners can be released early without accelerating tens of thousands of new crimes are either obtuse or disingenuous or both.

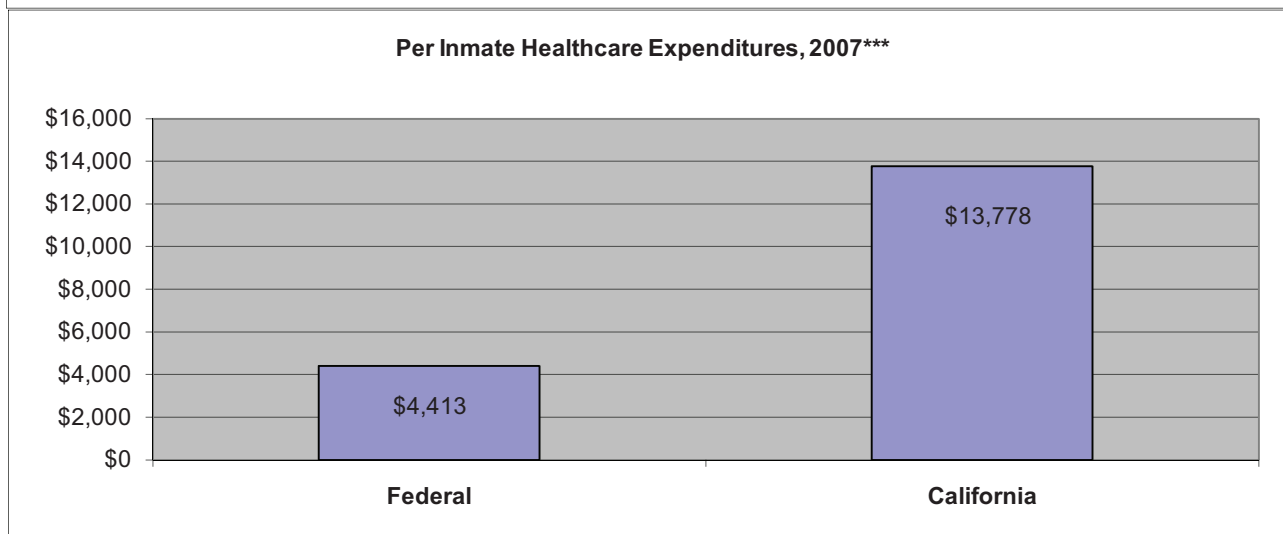
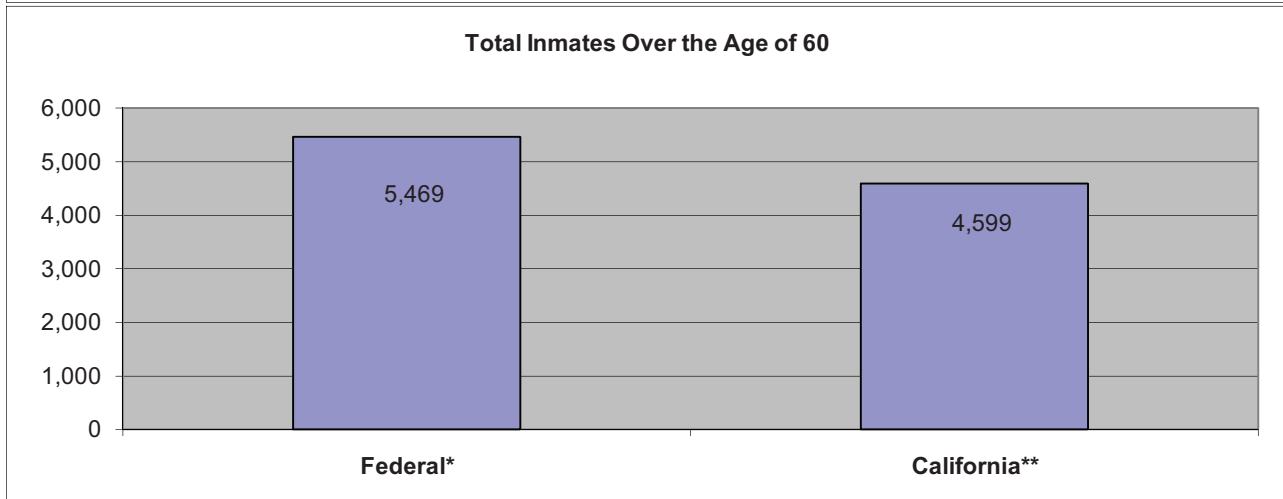
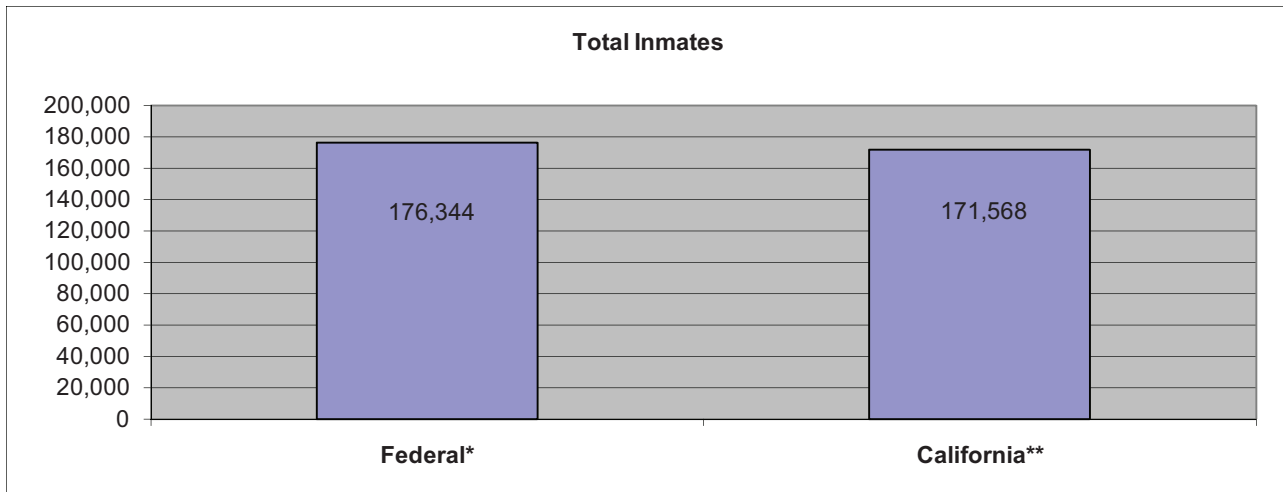
² See footnote 1 for source.

³ Jack Leonard, Megan Garvey and Doug Smith. "Releasing Inmates Early Has a Costly Human Toll." *Los Angeles Times*, 14 May 2006.

⁴ Brad Barnan. "1 in 5 Fresno Co. inmates freed early jailed again." *Fresno Bee*, 8 September 2009.

California and Federal Prisons Compared, December 31, 2007

Why have federal courts forced Californians to spend \$2 billion more on annual inmate healthcare than the US government spends on an equivalent inmate population in federal prisons?



Note: California prison healthcare are cost increased to \$17,000 per inmate - a total of \$2.9 billion in 2008-09

*US Bureau of Prisons - FY 2007; US Bureau of Justice Statistics (<http://fjsrc.urban.org>)

**CDCR Table 5 of "Prison Census Data, as of December 31, 2007."

***Appeal of Governor Schwarzenegger in matter of *Plata v. Schwarzenegger* (Case No. 09-15864) before United States Court of Appeals for the Ninth Circuit. Filed July 31, 2009.

The Cost of Downsizing Department of Juvenile Justice (Youth Authority)

Budget/Ward Population/Employees

<u>Fiscal Year</u>	<u>Total Budget¹</u>	<u>6/30/99-6/30/09 Ward Population²</u>	<u>DJJ/CYA Authorized Positions³</u>	<u>Employees Per Ward</u>	<u>Dollars Per Ward</u>
1998-1999	\$379,055,000	7,761	4,974	0.6	\$48,841.00
1999-2000	\$394,552,000	7,482	4,997	0.7	\$52,733.49
2000-2001	\$426,938,000	6,942	4,934	0.7	\$61,500.72
2001-2002	\$433,676,000	5,954	4,701	0.8	\$72,837.76
2002-2003	\$425,730,000	5,024	4,509	0.9	\$84,739.25
2003-2004	\$418,940,000	4,067	4,164	1.0	\$103,009.59
2004-2005	\$423,740,000	3,348	3,965	1.2	\$126,565.11
2005-2006	\$399,233,000	2,962	3,087	1.0	\$134,784.94
2006-2007	\$480,990,000	2,531	3,229	1.3	\$190,039.51
2007-2008	\$508,932,000	1,877	3,404	1.8	\$271,141.18
2008-2009 ³	\$544,178,000	1,659	4,041	2.4	\$328,015.67

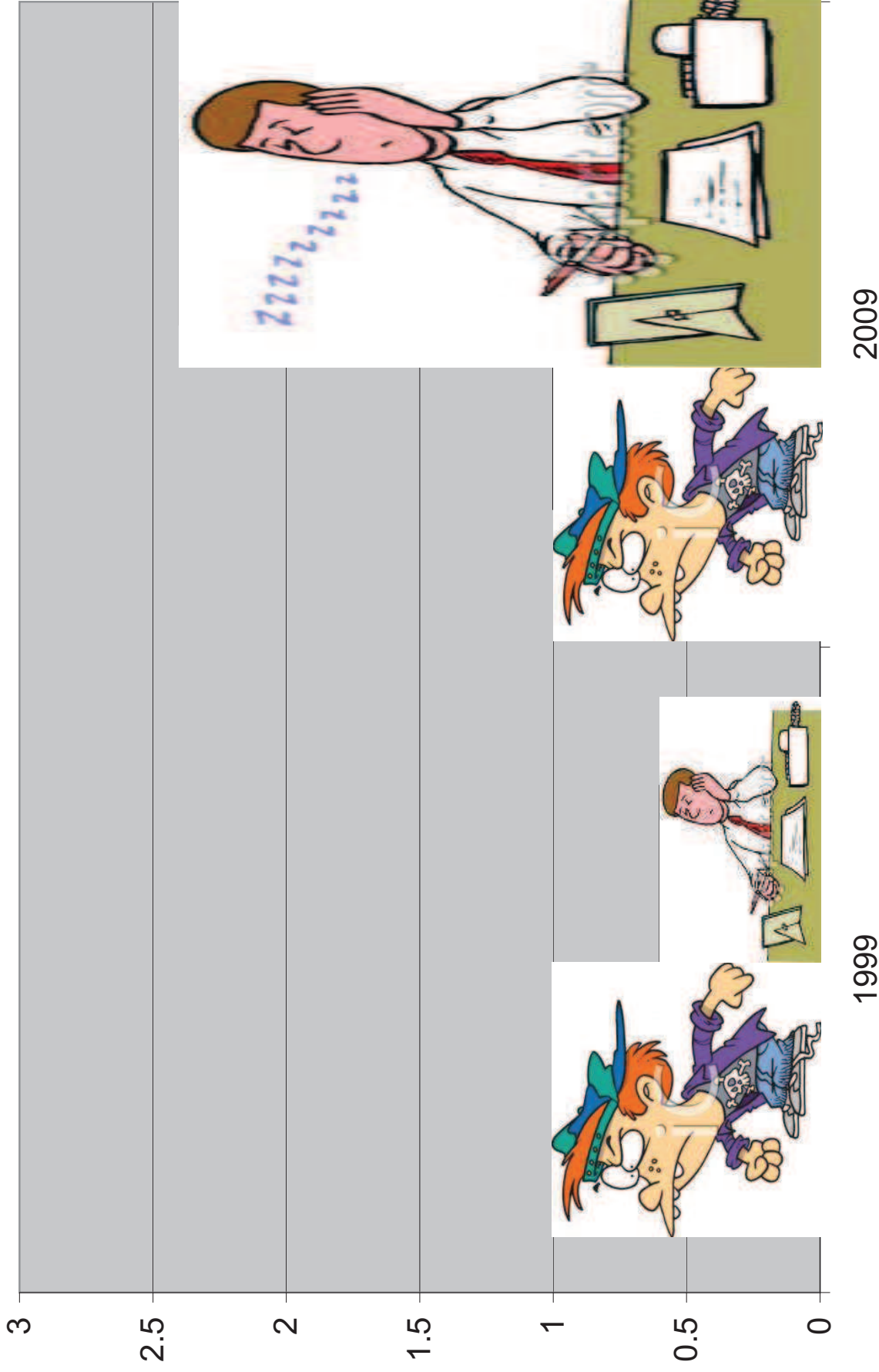
- Somehow, reducing in custody population by almost 80% has not reduced costs.
- In fact, Juvenile Justice costs have increased over the last 10 years, even when adjusted for inflation.
- On January 1, 2009, there were only 447 juveniles in DJJ facilities. The remaining wards were over the age of 18 (average age: 19.6).
- The Governor's 2009-10 budget reveals that during the 2008-09 budget year, only 580 of 4041 DJJ employees were correctional officers. Non-officer staff outnumbered wards by 2 to 1.

¹ California State Budget-Department of Corrections and Rehabilitation-Program Summary (5225)

² California Department of Corrections and Rehabilitation-D.J.S. Population Reports

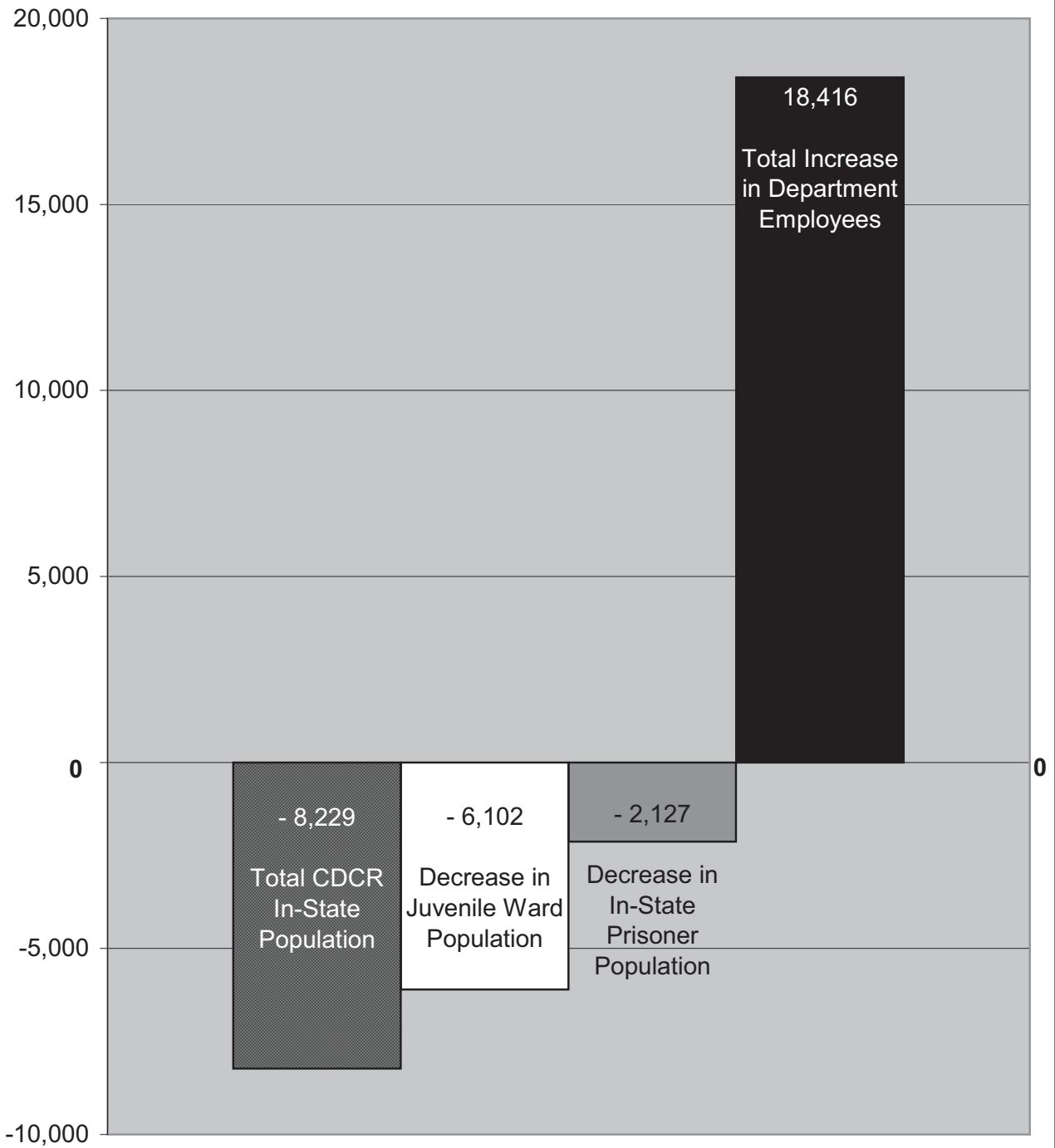
³ Governor's Budget, 2009-2010

California Youth Authority (DJJ) State Employees Per Juvenile Offender, 1999 and 2009
Since 2004, California's Youth Authority Has Had More Employees Than Juvenile Offenders



In 1999, the number of juvenile offenders housed by the California Youth Authority was almost twice as great as the number of Youth Authority employees. By 2009, Department employees outnumbered juveniles in custody by more than 2 to 1.

**California Department of Corrections and Rehabilitation
Change in In-State Population: Prison Inmates/Youth Authority
Wards and Department Employees**



Between 1999 and 2009, California's Department of Corrections and Rehabilitation added 18,416 employee positions while the in-state population of prison inmates and juvenile wards declined 8,229.

Rearrest of State Prisoners Following Release from Prison*

New Charges Within 3 Years of Release from Prison

Based upon rearrest rates for violent offenders compared with rearrest rates for property offenders

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Total # Rearrested	18,715	22,140
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 <u>NEW CHARGES</u>		
Homicide	330	240
Rape	330	210
Robbery	2,550	1,890
Assault	4,920	4,110
<u>New Violent Charges</u>	8,130	6,450
 Burglary	 2,070	 5,280
Theft	3,600	7,830
Motor Vehicle Theft	1,170	1,800
Fraud	960	2,130
<u>New Property Charges</u>	7,800	17,040
 <u>Total New Violent and Property Charges</u>	 15,930	 23,490
 <u>Total All New Charges Including Drug Charges</u>	 30,930 ***	 40,410 ***

Upon release from prison, offenders previously convicted of property crimes had a higher rearrest rate than those previously convicted of violent crimes and were almost as likely as the previously violent prisoners to be charged with a violent new offense.

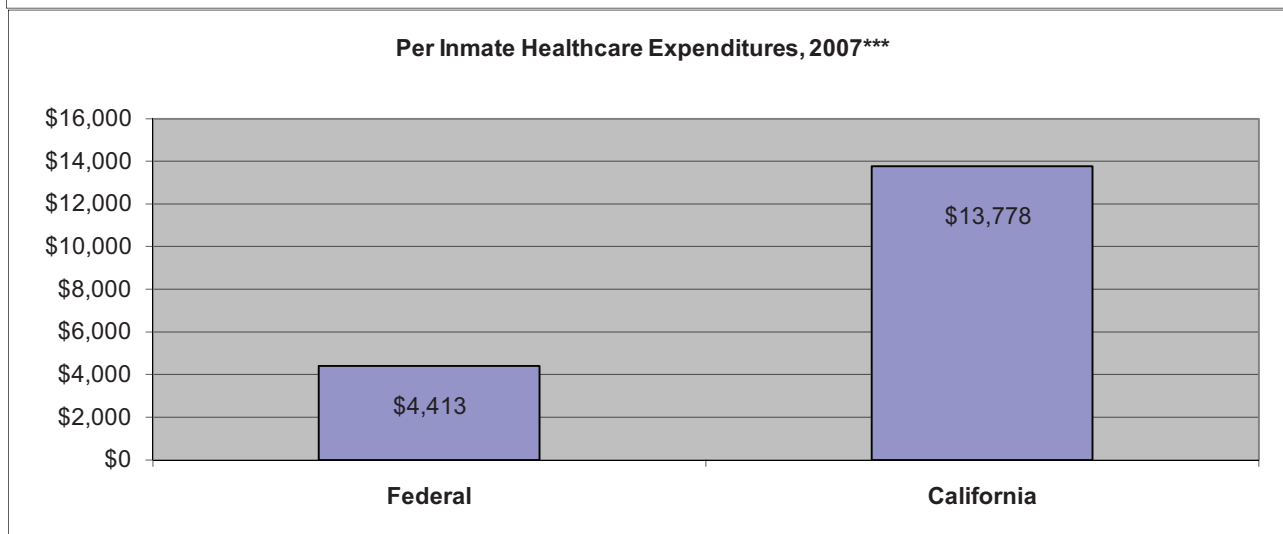
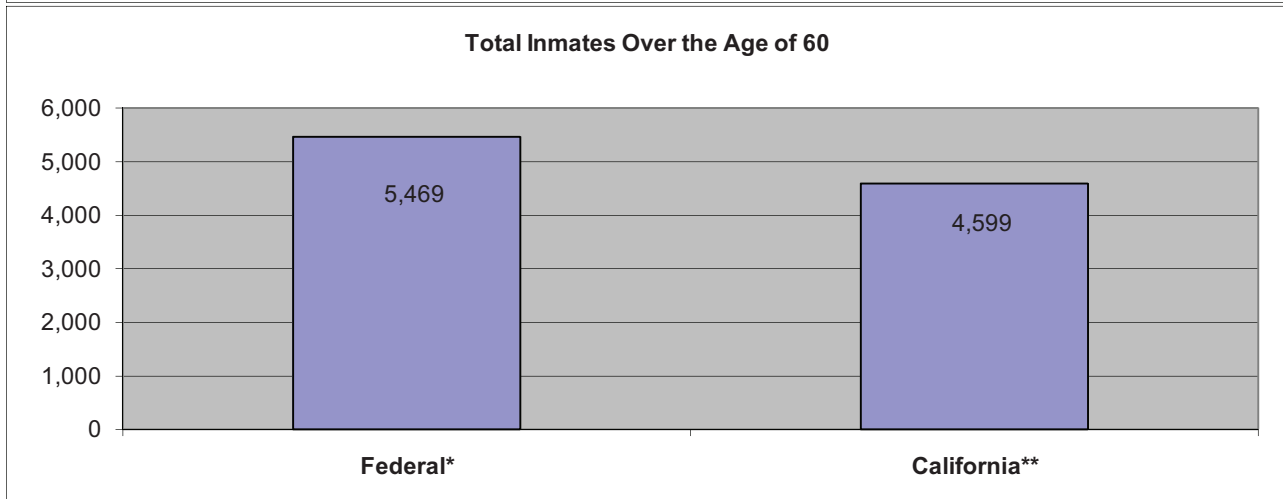
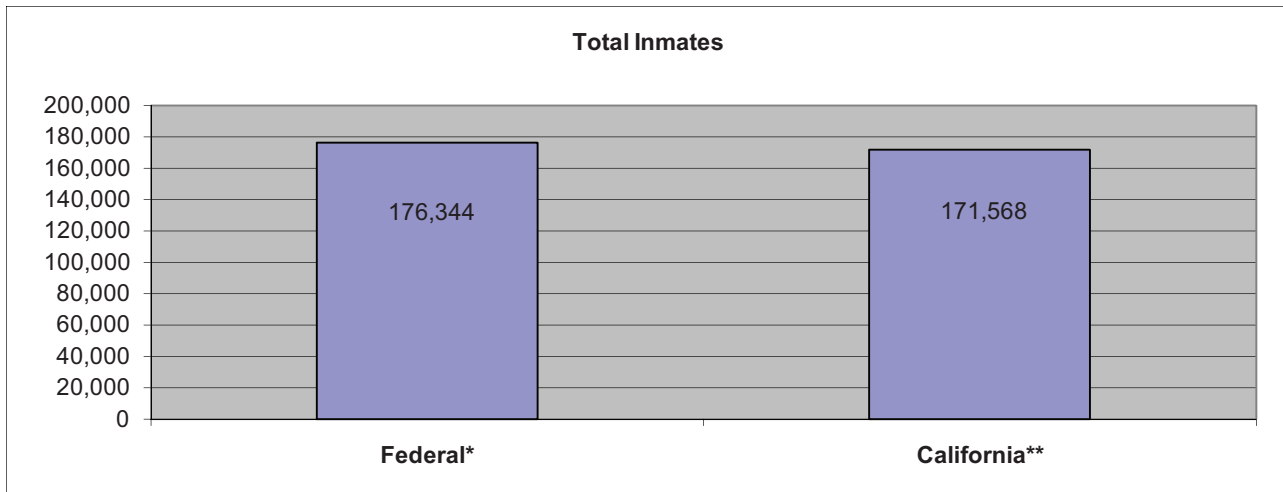
*Source: US Department of Justice Bureau of Justice Statistics Special Report, June 2002. Recidivism of Prisoners Released in 1994. (Study of all prisoners released in California and 14 other states)

**Most Violent Crime at Time of Release from Prison

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	Prison Population	Total Violent Crime
1993	119,951	336,100
1994	125,605	318,946
1995	135,133	304,998
1996	145,565	274,675
1997	155,276	257,409
1998	159,563	229,786
1999	160,681	207,874
2000	160,655	210,492
2001	157,142	210,510
2002	159,695	207,988
2003	161,785	204,591
2004	163,939	197,432
2005	168,035	189,593
2006	172,528	194,128
2007	171,444	191,493
2008	171,085	185,233

CA Prison Population Vs. Violent Crime, 1993-2007

