

PROFILE OF

Justice Involvement

IN CALIFORNIA'S SOUTHERN BORDER REGION



Justice-Involvement in California's Southern Border Region

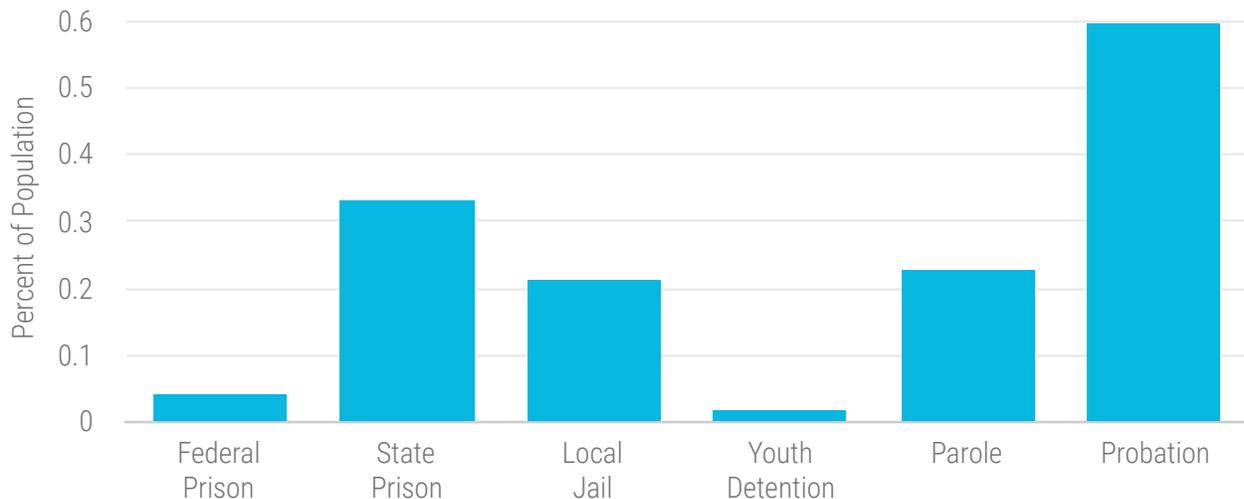
The San Diego Workforce Partnership produced this report to help inform our strategic plan for serving the employment needs of justice-involved individuals in California's Southern Border Region. Our research was funded by the California Workforce Development Board's Prison-to-Employment Initiative. We hope the information below will be of use to those serving San Diego's reentry community. You can find out more about our work with justice-involved individuals at workforce.org/reentry-resources.

Background: The Corrections System in California

Individuals convicted of crimes in California are subject to a variety of penalties, including *incarceration* (time spent in prison or jail) and *supervision* (time spent out of prison or jail in which individuals face legal requirements and restrictions on behavior). The California Department of Corrections & Rehabilitation (CDCR) State incarceration (prison) and supervision (parole) are handled by. In San Diego and Imperial counties, local jails are administered by the County Sheriff's Department; and probation, post-release community supervision, mandatory supervision, and juvenile supervision are administered by the County Probation Department.¹

Overall, about 1.4% of Californians are incarcerated or supervised—the 11th-lowest rate among the 50 states and District of Columbia.²

Figure 1. Incarceration and Supervision Rates in California



The definition of a felony in California is a crime for which the maximum sentence is greater than one year. Any crime punishable by a year or less of incarceration is a misdemeanor. Some crimes (e.g. murder) can only be filed as felonies, some crimes (e.g. petty theft) can only be filed as a misdemeanor, and some crimes (e.g. grand theft) are “wobblers” that can be filed either way at the discretion of a prosecutor (though felony filings can be reduced to misdemeanors by a judge).

¹ The one exception is Chula Vista, where the police department runs a city jail, but this jail only houses two populations: local arrestees being processed on their way to a county jail, who stay for less than 24 hours; and about 40 female federal inmates held for the United States Marshals Service to generate revenue for the city.

² Jones, Alexi. (2018). *Correctional Control 2018: Incarceration and supervision by state*. [Prison Policy Initiative](#).

Until 2011, all individuals convicted of felonies were incarcerated in state prison; those convicted of misdemeanors went to county jail for a year or less or were given probation as an alternative to incarceration. When individuals convicted of felonies left state prisons, most of the time they were conditionally released to parole, a form of supervision that comes with certain conditions, where failure to meet those conditions would result in a return to state prison. When they left

In 2011, the US Supreme Court ruled in *Brown v. Plata* that California's overcrowded state prisons violated the Eighth Amendment prohibition of cruel and unusual punishment. The court required California to reduce its state-prison population from nearly 200% of design capacity to 137.5% in two years. In response, California adopted Assembly Bill 109, the Public Safety Realignment initiative (AB 109), changing corrections policy dramatically.

AB 109 instituted several changes:

1. Non-violent, non-sexual, and non-serious (N-3) offenses now carry sentences of imprisonment in county jail instead of state prison. Though county jails were not designed to hold inmates for more than one year, this transfer of responsibility for N-3 felony offenders resulted in sentences of longer than one year being served in county jail.
2. Incarceration for parole violations is served in county jail rather than state prison.
3. Felony offenders whose current conviction is for an N-3 offense are discharged to Post-Release Community Supervision (administered by the county-of-commitment's Probation Department) rather than parole, regardless of whether prior offenses are violent, sexual, or serious.

In addition to the changes instituted by AB 109, the public voted to change sentencing standards via Proposition 47 in 2014 and Proposition 57 in 2016. Prop 47 reclassified non-serious, non-violent felonies as misdemeanors so long as the offender had no previous convictions for violent or certain sexual offenses. Prop 57 made three changes: (1) it allowed the parole board to release prisoners whose current offense is nonviolent once they served their primary-offense sentence, eliminating sentence enhancements such as those for repeat offenses; (2) it required the California Department of Corrections & Rehabilitation (CDCR) to develop parole credits to reward good behavior with reduced sentences; and (3) it shifted the responsibility for determining whether a youth aged 14-17 should be prosecuted as adult from prosecutors to juvenile court judges.

Observers often claim that realignment increased the local jail population, but in San Diego County the jail population remained fairly stable. There were fewer bookings into San Diego County jails in 2015 than in 2011, likely because Proposition 47. Though bookings decreased, the average daily population increased slightly from 4,786 in 2011 to 4,986 in 2015, likely because AB 109's transfer of N-3 felons to county jails resulted in longer average stays. In 2011, the California Board of State and Community Corrections rated five of the San Diego Sheriff's detentions facilities as over capacity; in 2015 only one was rated over capacity.³

Before profiling the reentry community, it is important to understand the incarcerated populations through which many of them pass. Table 1 shows the number of county jail inmates in San Diego as of February 2019.⁴ Because Imperial County does not publish data on current or average number of inmates, Table 2 shows the number of beds at both of the county's two jails. We do not have data on CDCR facilities, because Southern Border Region residents incarcerated by CDCR may be sent to any prison in the state, depending on bed availability and what security level is requirements. Some inmates even serve time in La Palma Correctional Center in Arizona.

³ https://www.sandag.org/uploads/publicationid/publicationid_2100_21658.pdf

⁴ Data for this table comes from the [Sheriff's Department](#) and a recent [Grand Jury Report](#).

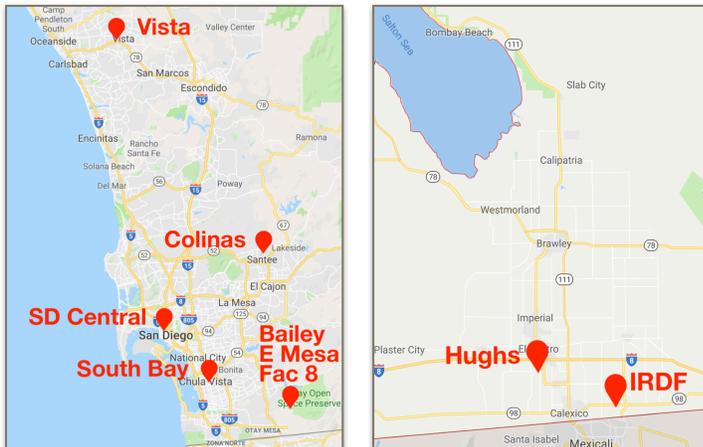
Table 1. San Diego County jail population (2019)

Facility	Males	Females	Youth	Rated Capacity
George Bailey Detention Facility	1,560			1,380
San Diego Central Jail (intakes men)	993			944
Las Colinas Detention & Re-Entry Fc (intakes women)		810		1,200
Vista Detention Facility (intakes both sexes N County)	763	46		886
East Mesa Re-Entry Facility	774			956
South Bay Detention Facility	428			386
Facility 8 Detention Facility	195			300
Kearny Mesa Juvenile Detention Fc (intakes juveniles)			148	359
Girls Rehabilitation Facility				50
East Mesa Juvenile Facility			140	290
Camp Barrett (replaced by Urban Camp at Kearny)			77	
TOTAL	4,713	856	365	6,751

Table 2. Imperial County jail population (2019)

Facility	Maximum Beds	Current Inmates
Herbert Hughes Correctional Center	314	
Imperial Regional Detention Facility Camp	288	
TOTAL	602	345

Figure 2. Location of San Diego and Imperial County jails



San Diego and Imperial Counties' Justice-Involved Populations

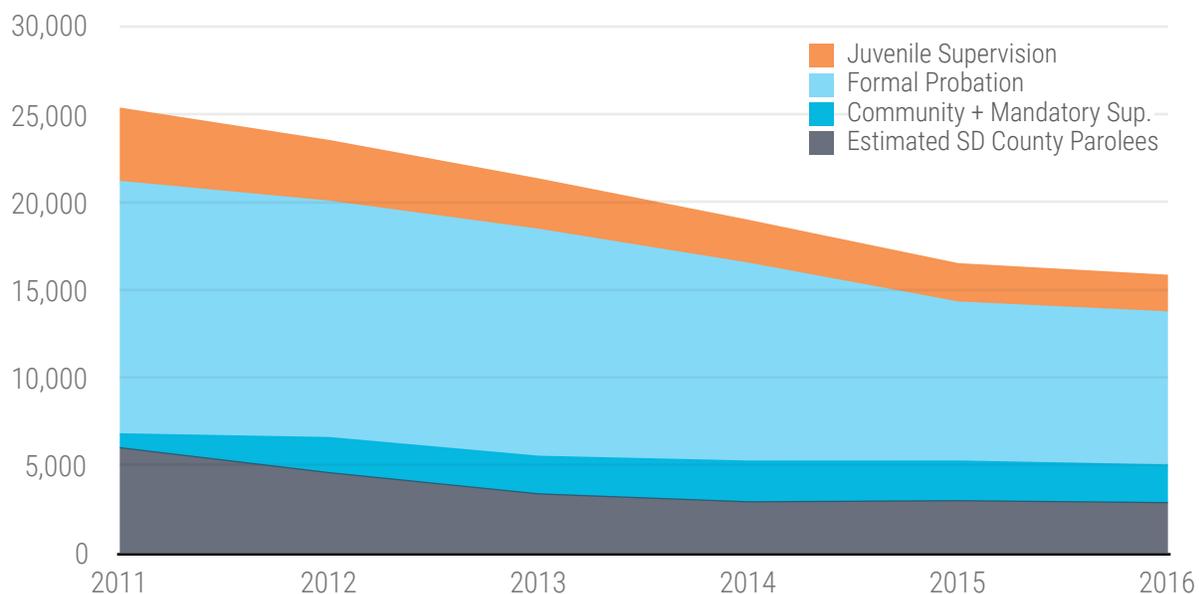
It is difficult to estimate the total number of a county's residents who have ever been involved with the American justice system, via any form of supervision or incarceration. For example, a resident who moved to San Diego two years after being released from an Arizona state prison might consider themselves part of the reentry population, but there is no data source that would include such individuals as part of a comprehensive list of all justice-involved individuals.

For the purposes of the Workforce Corrections Partnership and Prison-to-Employment Initiative (P2E), the California Workforce Development Board (CWDB) defines the justice-involved community as "individuals who are currently on parole, probation, mandatory supervision, or post-release community supervision and are supervised by, or are under the jurisdiction of, a county or the CDCR."⁵

Figure 3 shows the number of individuals included in the CWDB's definition of justice involved—San Diegans currently supervised by the County Department of Probation (via formal probation, post-release community supervision, mandatory supervision, and juvenile supervision) and those supervised by the CDCR (via parole). Parole estimates are calculated by multiplying the total number of parolees in California by 6.67% (the proportion of CDCR releases with San Diego as the county of origin). Adding these forms of supervision gives us an estimate of about 16,000 San Diegans actively supervised in 2016, down from 25,000 in 2011. In 2016, 55% of San Diego's supervised population was on formal probation, 18% on parole, and 13% each under juvenile supervision and probation-administered post-incarceration supervision.

Figures 4 and 5 show the distribution of county-supervised felony offenders in San Diego by County Supervisor District as of October 2018.

Figure 3. San Diegans supervised by Department of Probation and CDCR



⁵ California Workforce Development Board

Figure 4. Individuals in post-release community supervision, by County Supervisor district (1,625 total)

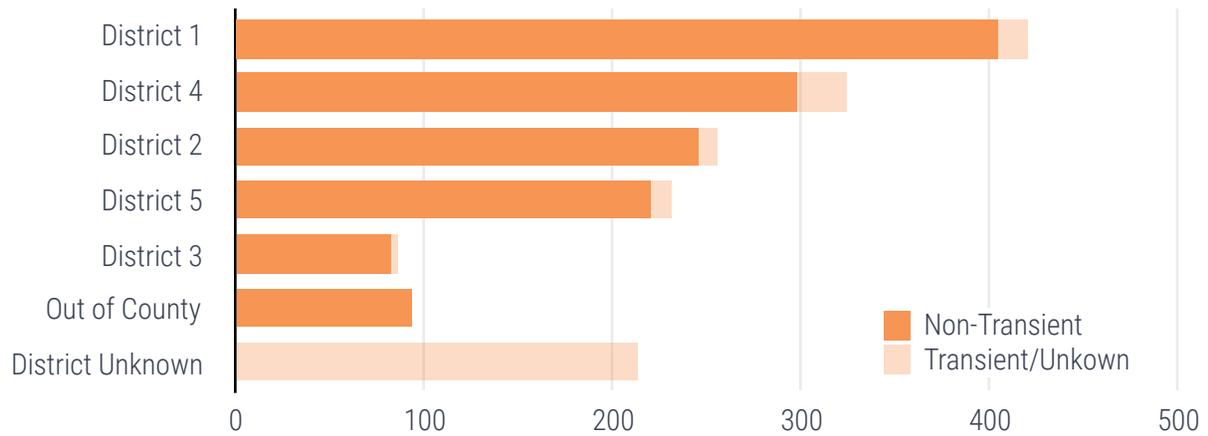


Figure 5. Individuals in mandatory supervision, by County Supervisor district (635 total)

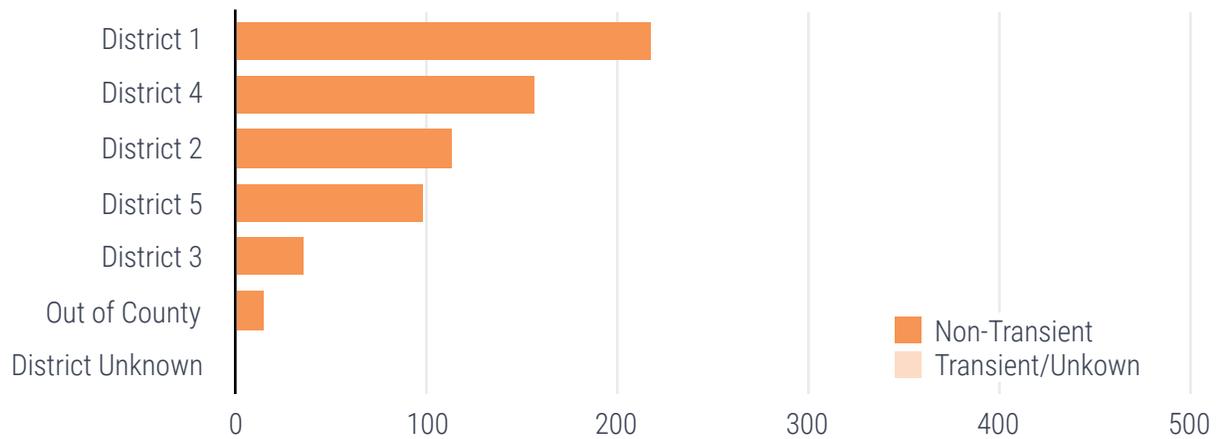
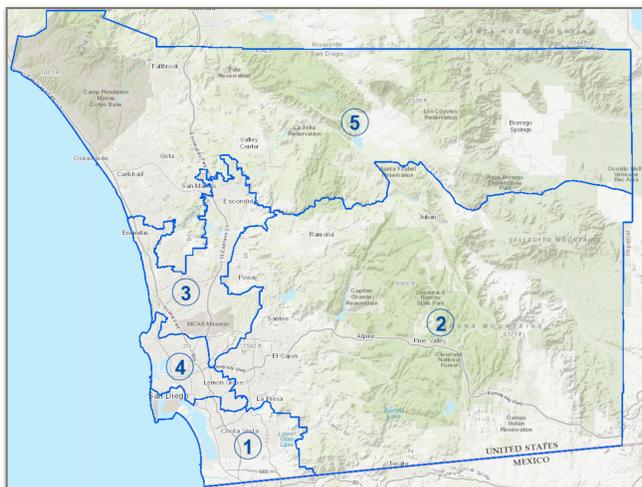


Figure 6. County Supervisor district map



Recidivism

Figure 7 shows statewide average recidivism rates for state prisoners over time using three measures—three-year conviction rate, three-year arrest rate, and three-year return-to-prison rate. The CDCR considers conviction rate the primary measure of recidivism, and this rate has remained fairly stable over time. Of those offenders who are convicted within three years of release, half are convicted of felonies, and half are convicted of misdemeanors.

The law-enforcement community recognizes three categories of crime: crime against persons (e.g. murder, rape, assault); crime against property (e.g. robbery, burglary, bribery); and crime against society (e.g. prostitution, gambling, drugs). In California, the three-year conviction rate varies across these categories: 54% for crime against property, 48% for crime against society, and 40% for crime against persons. Recidivism also varies by level of violence: 50% of non-violent offenders were convicted within three years of release, but only 31% of violent offenders.

The dramatic decrease in the return-to-prison rate is driven by decreases in re-incarceration due to parole violations, a result of AB 109's shift toward "community supervision" for N-3 felons. For the cohort released in 2007-08 (and tracked through 2011), 44% of returns to prison were a result of parole violations; for the cohort released in 2013-14, 0.2%.

Figure 8 shows three-year conviction rates by number of stays in state prison. A stay is defined as any period of time an offender is housed in an adult institution, regardless of whether the stay represents a new admission, a parole violation, or a parole violation with a new term.

Figure 9 shows the three-year conviction rates by county for the 47 counties that had at least 30 prisoners released in 2013-14 (12 counties, all with populations below 45,000, had fewer than 30 releases). San Diego County, at 36%, has the fourth lowest recidivism rate, and the lowest overall rate among the 20 counties with the largest number of releases. Imperial, at 71%, has the highest recidivism rate in California.

Figure 7. Three measures of recidivism for state prisoners in California

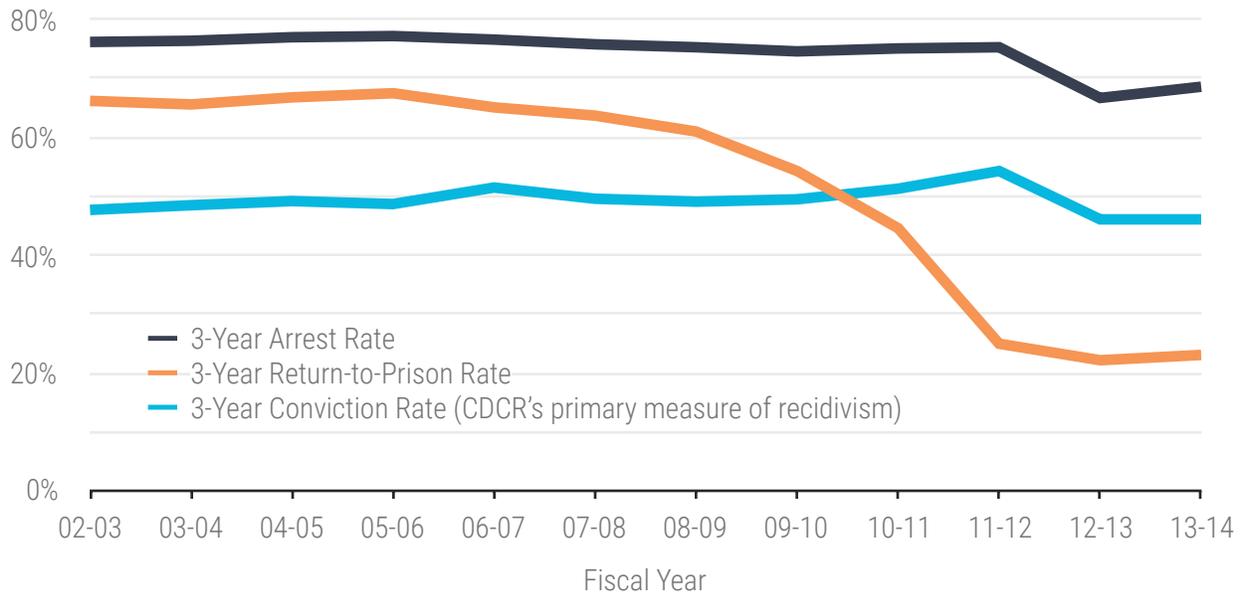


Figure 8. Recidivism within three years of most recent stay, by total number of individual's stays in prison

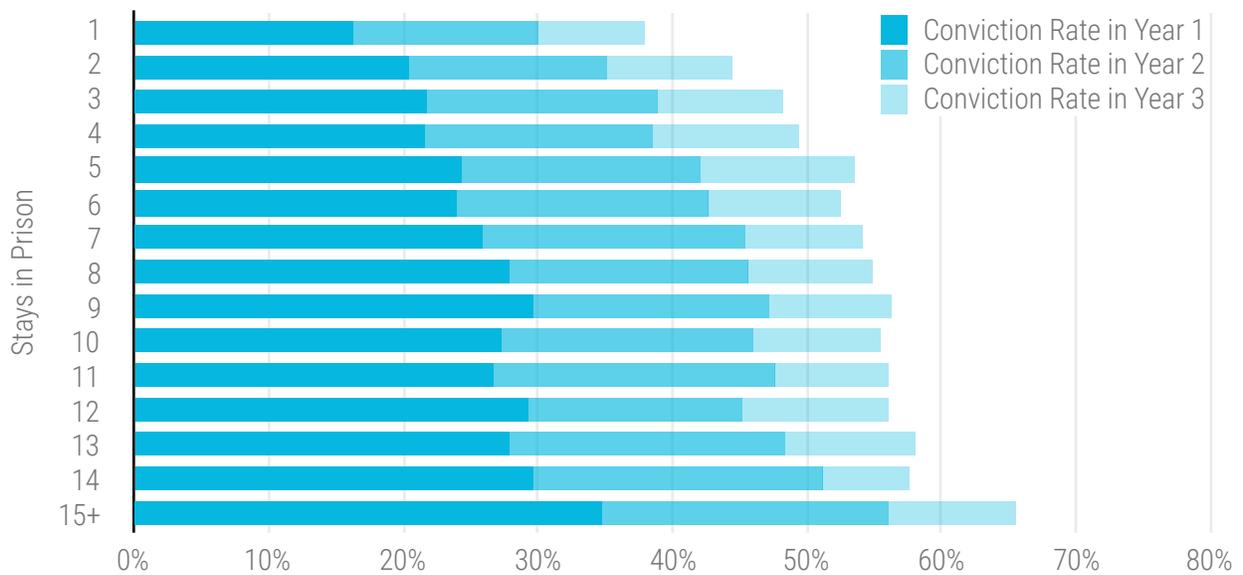
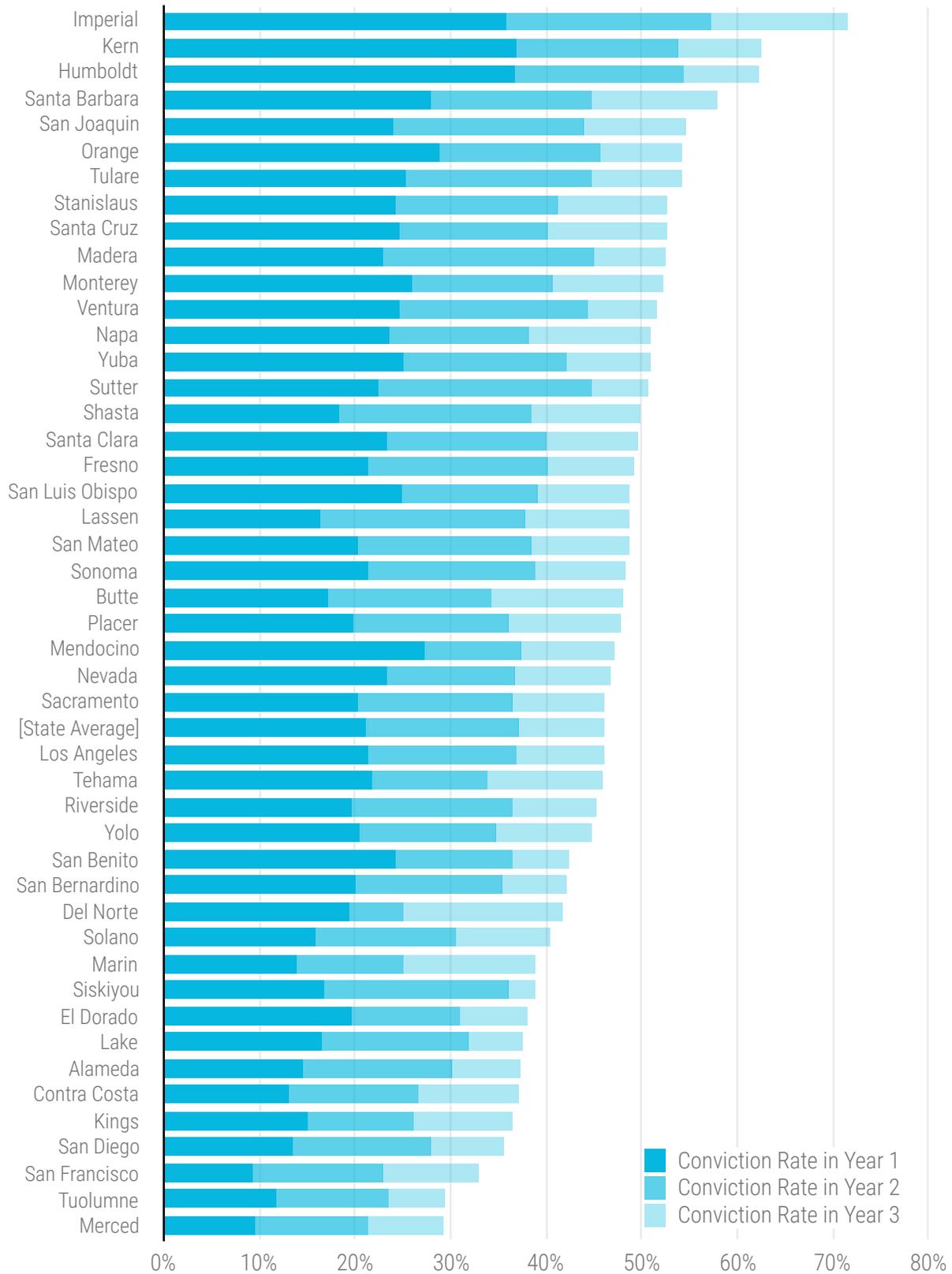


Figure 9. Recidivism by County



ON THE COVER

Jon-David Hernandez enrolled at our in-facility Career Center while serving one year at the East Mesa Reentry Facility. After release, Jon-David enrolled in a job-readiness training workshop and a pre-apprenticeship program, eventually joining the Sheet Metal Workers Local Union 206 and finding work in construction. Learn more about his story at workforce.org/news/mandatory-supervision-union-representation.

FOR MORE INFORMATION

This report was written by Daniel Enemark and funded by the California Workforce Development Board's Prison-to-Employment initiative.

If you have questions about justice involvement in California's Southern Border Region, email research@workforce.org.

To learn more about our work with justice-involved individuals, visit workforce.org/reentry-resources.